

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

W 7b

July 20, 2006

TO: Commissioners and Interested Persons

FROM: John Ainsworth, District Director
Gary Timm, District Manager
Steve Hudson, Supervisor, Planning and Regulation
James Johnson, Coastal Program Analyst

RE: **CITY OF PORT HUENEME LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 2-2006, Laing Homes** Public Hearing and Action at the California Coastal Commission Hearing of August 8, 2006 at the Los Angeles Harbor Hotel in San Pedro.

AMENDMENT SYNOPSIS

On May 5, 2006, the City of Port Hueneme submitted an amendment to the Land Use Plan and Implementation Plan portions of its certified Local Coastal Program (LCP). The amendment proposes to revise the LCP Land Use and Zoning Ordinance and Maps on one property from "*Industrial*" and "*M-1: Light Industrial Zone*" to "*Low Density Residential*" and "*R-1 (PD): Single Family Zone (Planned Development)*", respectively. The Amendment also proposes to revise the LCP Land Use and Zoning Ordinance and Maps on a second property from "*Industrial*" and "*M-1: Light Industrial Zone*" to "*Medium Density Residential*" and "*R-2 (PD): Limited Multifamily (Planned Development)*", respectively. The two subject parcels, comprising of about 17 acres of land, are contiguous to each other and located southeast of the intersection of Hueneme Road and Surfside Drive. The area that is subject to this LCP Amendment is part of a larger geographic segment identified in the certified LCP as "*Area C: Surfside Industrial*" (Exhibits 1 - 3).

On May 18, 2006, the Executive Director determined that the City's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510 (b).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after a public hearing, **DENY** the Amendment to the LCP Land Use Plan Designation and Land Use Plan Map, as it is not in conformity with the Chapter 3 Policies of the Coastal Act. The LCP Land Use Plan Amendment, as submitted, is inconsistent with the Coastal Act and the Zoning Ordinance and Map are inadequate to carry out the existing City's Land Use Plan. The proposed Amendment would replace the existing "*Industrial*" designation that currently allows for industrial land uses, including coastal-related industrial uses of the subject site which are designated as higher priority land uses than residential land uses

under the Coastal Act. In addition, the Oxnard Harbor District has indicated that it is currently in the process of attempting to acquire these properties for Coastal Related purposes to support the District's vehicle storage and distribution needs.

The standard of review for the proposed amendment to the certified Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is whether the proposed amendment conforms with the requirements of Chapter 3 of the Coastal Act.

The City's proposed Zoning Ordinance amendment to convert a portion of "Area C Surfside Industrial" from "industrial" to "single family" and "multi-family residential" zones, as submitted, is inadequate to carry out the City's existing certified Land Use Plan allowing for Coastal Related/Industrial land uses.

The standard of review for the proposed amendment to the certified Implementation Plan, consisting of zoning ordinances and zoning maps, pursuant to Section 30513 of the Coastal Act, is whether the proposed amendment conforms with or is adequate to carry out the provisions of the certified land use plan.

The recommended Motions and Resolutions are provided on pages five (5) and six (6) of this report.

STAFF NOTE

The Commission must act on this amendment within 90 days of the date this LCP Amendment was filed, therefore, the Commission must act on this LCP Amendment at the Commission's August 9-11, 2006 meeting. As an alternative, the Commission may extend the time for review up to one year from the date this Amendment was filed.

The City previously submitted a LCP Amendment on February 10, 2005, for the same changes to the LCP as in this subject Amendment; the previous LCPA was filed complete as LCPA 1-05 on March 24, 2005. At the June 8, 2005 meeting, the Commission continued the time limit for the review for one year. As a result, the Commission had until the March 8 – 10, 2006 Commission meeting to act on the LCPA within the one year time frame. In early 2006, the City requested that this LCPA be heard by the Commission at the April 11 – 14, 2006 meeting in Santa Barbara. In an effort to hold a Commission hearing nearest to the City of Port Hueneme, the City withdrew LCPA No. 1-2005 on January 20, 2006 and re-submitted the same LCPA which was filed as LCPA No. 1-2006 on January 25, 2006. On April 12, the day before the Commission's April 13, 2006 meeting, the City withdrew proposed LCPA 1-2006. This subject LCPA No. 2-2006 requests the same changes to the City's LCP as the previous two Amendments.

SUBSTANTIVE FILE DOCUMENTS

City of Port Hueneme LCP Amendment No. 01-2005; City of Port Hueneme LCP Amendment No. 01-2006; City of Port Hueneme LCP Amendment No. 02-2006; Final

Environmental Impact Report, City of Port Hueneme John Laing Homes Project, dated January 2005; Oxnard Harbor District's Vehicle Handling and Distribution Facility Final EIR, dated December 2005.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, contact James Johnson at the Coastal Commission, 89 South California Street, Second Floor, Ventura, CA 93001, or 805-585-1800.

EXHIBITS

1. Coastal Zone Vicinity Map
2. City of Port Hueneme Boundaries and Street Map Identifying LCPA Sites A & B
3. Proposed LCPA Sites A & B
4. Proposed Land Use Changes From Industrial to Low and Medium Density Residential Designations
5. Proposed Zoning Map Changes From M-1 Light Industrial to Single Family and Multi-Family Planned Development
6. LCP Area C: Surfside Industrial Land Use History
7. Proposed City of Port Hueneme LCP Land Use, Implementation and Map Changes
8. City of Port Hueneme Resolution No. 3476
9. City Map of Recent District Expansions in City of Port Hueneme, NCEL and Sunkist Sites.
10. Letter dated December 7, 2005 from William Buenger, Executive Director, of the Oxnard Harbor District
11. Letter dated May 11, 2005 from William Buenger, Executive Director, of the Oxnard Harbor District and attached letters
12. Land Use Map of Surfside Industrial Area Identifying Proposed Residential Parcels and Potential Cumulative Impact Parcels for Potential Future Conversion to Residential
13. Detailed Aerial Photograph of Surfside Industrial Area Identifying Proposed Site A
14. Detailed Aerial Photograph of Surfside Industrial Area Identifying Proposed Site B
15. Ex Parte Communication, Commissioner Mike Reilly
16. Alternative Land Available For Port Use, submitted by the City of Port Hueneme.

I. PROCEDURAL ISSUES

A. STANDARD OF REVIEW:

The Coastal Act provides:

The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30513(c))

The Coastal Act further provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30514)

The standard of review that the Commission uses in reviewing the adequacy of the land use plan is whether the land use plan is consistent with the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan of the certified Local Coastal Program, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the Land Use Plan (LUP) portion of the certified City of Port Hueneme Local Coastal Program.

B. PUBLIC PARTICIPATION:

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City Council of Port Hueneme conducted a public hearing on February 2, 2005 acting to approve this LCP Amendment. This public hearing was noticed at least ten days in advance. In addition, a Notice of Public Hearing was published in the Ventura County Star. There were no public comments presented at the City Council meeting on the proposed LCP Amendment. In addition, the City mailed notices of availability of review draft documents on September 30, 2004, consistent with Sections 13551 and 13552 of the California Code of Regulations. On May 3, 2006, the City held a hearing and adopted Resolution No. 3476 reaffirming its prior authorization (granted by Resolution No. 3240) of the City's submittal of Port Hueneme LCP Amendment No. 2-06. Notice of the subject amendment has been distributed to all known interested parties by the City. Therefore, public participation and agency coordination through the notice of LCP Amendment No. 1-2006 and 2-2006 was duly given consistent with Section 13515 of the Commission's Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS:

Pursuant to Section 13551 (b) of the California Code of Regulations, the City's resolution for submittal must indicate whether the Local Coastal Program Amendment will require formal local government adoption after the Commission approval, or as an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections

30512, 30513, and 30519. The City's resolution of adoption dated May 3, 2006 confirms that this Amendment, if approved by the Commission, would take effect only after the City formally accepts the Commission's action. In this case, if the Commission denies the LCP Amendment, as recommended by staff, no further action is required by either the Commission or the City. However, if the Commission approves this Amendment, this Amendment would not become effective unless the City of Port Hueneme formally accepts the Commission's action and complies with all the requirements of Section 13544.5 within six months from the date of Commission action. Pursuant to Section 13544, the Executive Director shall determine whether the City's action is adequate to satisfy all requirements of the Commission's certification order and report on such adequacy to the Commission. As stated above, in this case, the Staff recommends denial of this Amendment request as submitted.

II. STAFF RECOMMENDATION

Following public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided prior to each resolution.

A DENIAL OF THE LAND USE PLAN AMENDMENT AS SUBMITTED

MOTION I:

"I move that the Commission certify Land Use Plan Amendment No. 2-06 as submitted by the City of Port Hueneme."

Staff recommends a **NO** vote. Failure of this motion will result in the denial of the amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to deny the amendment to the Land Use Plan as submitted:

The Commission hereby **denies certification** of Land Use Plan Amendment No. 1-06 as submitted by the City of Port Hueneme and adopts the findings set forth below on the grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

B DENIAL OF THE AMENDMENT TO THE IMPLEMENTATION PROGRAM AS SUBMITTED

MOTION II:

"I move that the Commission reject the Implementation Program Amendment No. 2-06 to the City of Port Hueneme LCP as submitted."

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to reject the amendment to the Implementing Actions as submitted

The Commission hereby **denies certification** of the Implementation Program Amendment No. 2-06 for the City of Port Hueneme certified Local Coastal Program and adopts the findings set forth below on grounds that the Implementation Program Amendment, as submitted, does not conform with, and is inadequate to carry out, the provisions of the Land Use Plan as certified. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures available that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

III. FINDINGS FOR DENIAL OF THE LOCAL COASTAL PROGRAM AMENDMENT (Land Use Plan and Implementation Plan)

The following findings support the Commission's denial of this Local Coastal Program Amendment as submitted.

A. AMENDMENT DESCRIPTION AND PURPOSE

The City of Port Hueneme ("City") is located at the southwest portion of Ventura County between the Pacific Ocean and the Oxnard Plain. The City is surrounded by the City of Oxnard and the US Naval Construction Battalion Center. (Exhibits 1 - 3)

The City proposes to amend the Local Coastal Program and Plan Maps by revising the LCP Land Use and Zoning Ordinance and Maps on one property (Site A) from "*Industrial*" and "*M-1: Light Industrial Zone*" to "*Low Density Residential*" and "*R-1(PD): Single Family Zone (Planned Development)*", respectively. The Amendment also proposes to revise the LCP Land Use and Zoning Ordinance and Maps on a second property (Site B) from "*Industrial*" and "*M-1: Light Industrial Zone*" to "*Medium Density Residential*" and "*R-2 (PD): Limited Multifamily (Planned Development)*", respectively (Exhibits 4 - 5). The subject property, comprising approximately 17 acres of land, is located southeast of the intersection of Hueneme Road and Surfside Drive. The area subject to this LCP Amendment is part of a larger geographic segment identified in the certified LCP as "*Area C: Surfside Industrial*" (Exhibits 4 and 5). The City also proposes various text revisions to the Local Coastal Program to carry out this Amendment (Exhibit 7) and has approved Resolution No. 3476 to amend the LCP (Exhibit 8).

The purpose of the proposed LCP Amendment is to change the land use plan and zoning designation and land use and zoning map from "Industrial" to "Low Density Residential" on one property and to "Medium Density Residential" on another property thereby allowing the future construction of a 125 unit residential development project proposed by John Laing Homes. Once the LCP designation on these properties is amended to "Low Density" and "Medium Density Residential", the City could then approve the related coastal permit application by Laing Homes for the construction of 150 new homes on the subject site (64 single-family residences on Site A, which is approximately 10 acres of the subject site and 86 townhomes on Site B, which is approximately 6.8 acres of the site). Site A of the subject site includes two parcels that are currently vacant totaling approximately 10 acres. Site B of the subject site includes five parcels totaling approximately 6.8 acres. Approximately 4 acres of Site B includes a vacant dirt lot used by Waggoners Trucking as a truck storage facility. The remaining 2.8 acres includes industrial uses such as a boat repair facility and two welding facilities that are in process of relocating. Sites A and B are separated by railroad tracks that lead to the Port of Hueneme, Oxnard Harbor District and inland areas in Ventura County. Thus, these sites have direct rail access to the Port of Hueneme, Oxnard Harbor District.

B. BACKGROUND AND PREVIOUS COMMISSION ACTION:

The City adopted this Amendment to the City's certified LCP and forwarded it to the Commission for certification on May 3, 2006. Staff determined in a letter dated May 18, 2006, that the Amendment was complete, and therefore, filed.

The City previously submitted a LCP Amendment on February 10, 2005, for the same changes to the LCP as in this subject Amendment; the previous LCPA was filed complete as LCPA 1-05 on March 24, 2005. At the June 8, 2005 meeting, the Commission continued the time limit for the review for one year. As a result, the Commission had until the March 8 – 10, 2006 Commission meeting to act on the LCPA within the one year time frame. In early 2006, the City requested that this LCPA be heard by the Commission at the April 11 – 14, 2006 meeting in Santa Barbara. In an effort to hold a Commission hearing nearest to the City of Port Hueneme, the City withdrew LCPA No. 1-2005 on January 20, 2006 and re-submitted the same LCPA which was filed as LCPA No. 1-2006 on January 25, 2006. On April 12, the day before the Commission's April 13, 2006 meeting, the City withdrew proposed LCPA 1-2006. This subject LCPA No. 2-2006 requests the same changes to the City's LCP as the previous two Amendments.

In addition in February 2005, the City approved a Coastal Development Permit for Laing Homes to construct 150 homes on the subject site (64 single-family residences on Site A and 86 multi-family residential units on Site B). Although the City submitted a Final Action Notice to the Commission on February 10, 2005, for the coastal permit, Commission Staff sent the City a Deficiency Notice dated February 14, 2005, noting that the City's action was not complete as described under 14 Cal. Admin. Code Section

13750. It is important to note that in order for the City to approve a Coastal Development Permit for future residential development on the subject property, approval of this LCP Amendment is necessary as the existing Industrial land use designation does not allow a residential land use. The subject sites A and B are located within the Commission's Coastal Permit Appeals area.

The Commission certified the LCP on July 24, 1984, with a Land Use designation for "Area C, Surfside Industrial", that designated the subject sites A and B as "Coastal Related Industrial" to allow for coastal related land uses to accommodate growth at the Port of Hueneme, Oxnard Harbor District. Since then the LCP was amended in 1998 (LCPA No. 1-98) to revise the text and broaden the allowable land uses on the subject sites to more general industrial and public facility land uses in addition to coastal related industrial land uses. The certified LCP as amended in 1998 states under the relevant section:

Area C: Surfside Industrial - Due to its existing industrial character, low utilization, and direct road and rail access to the Port of Hueneme, the Surfside Industrial area has been identified as an area that continues to be appropriate for future industrial development including accommodating harbor-related growth. Inasmuch as Area C lacks immediate water adjacency, coastal dependent uses would be precluded from locating therein. ... Therefore, coastal-related land uses are encouraged to locate in this area due to road and rail access to Port Hueneme along with other industrial uses. . . . Preference shall be given to development of coastal-related uses in remaining vacant land areas

The municipal boundaries of the City of Port Hueneme include the Port of Hueneme, a portion of the Port is owned by the Oxnard Harbor District, while the remainder is owned by the United States Naval Construction Battalion Center (USNCBC) (Exhibit 2). When the Commission certified the City's LCP in 1984 and amended it in 1998, certain areas within the City were designated for coastal dependent and coastal related land uses. The Oxnard Harbor District lands surrounding the Port of Hueneme were designated for coastal dependent and coastal-related land uses, specifically known as Port Related Uses. The lands within the Surfside Industrial Area located east of the Harbor were designated "Industrial" that allows for coastal related land uses in addition to other selected light industrial land uses.

When the Commission certified the City's LCP in 1984 the "Surfside Industrial Area" was designated specifically as a "Coastal Related Industry" land use. In 1998, the Commission certified Amendment No. 1-98 which replaced the "Coastal Related Industry" land use designation with "Industrial" and "Public Facilities" designated land uses. The reason for the change was that at the time, the need for land for coastal-related uses had lessened somewhat while the need for land for other kinds of industrial uses had increased. Although the LCP amendment accommodated this need by allowing for non-coastal related industrial uses to occur in the Surfside Industrial Area, it also continued to recognize the importance of retaining this area for coastal-related development. Thus, the LCP currently describes the "Surfside Industrial Area" as an "area that continues to be appropriate for future industrial development including accommodating harbor-related growth." The LCP also includes a policy that states: "[p]reference shall be given to development of coastal-related uses in remaining vacant

land areas.” Coastal related developments are those that do not require a location on the coast as do coastal dependent developments, but that support coastal-dependent uses.

There are two other properties within the City that have been acquired by the Port of Hueneme, Oxnard Harbor District for coastal dependent and related land uses in the past. In 1997, the Oxnard Harbor District acquired approximately 34 acres of prime industrial land located between the Harbor District and the ocean at the entrance to the Harbor from the United States Navy. The redevelopment of this land formerly known as the Naval Civil Engineering Laboratory (NCEL), required a change in the land use and zoning designations from “Industrial” and “Development Reserve Overlay” to “Coastal Related Industry”. LCPA No. 1-96 was certified into the City’s LCP. Amendment No. 5 to the District’s Port Master Plan was certified by the Commission in 1996 also providing for coastal related and coastal dependent land uses through a Port Related land use designation for this property within the District’s Port Master Plan and is currently used for temporary storage of offloaded automobiles and other bulk products. (See Exhibit 9 for NCEL Site)

In 2002, the Commission certified LCP Amendment No. 1-02 for 13.7 acres formerly known as the Sunkist Property located adjacent to the Harbor District (east of the former NCEL property) as part of the District’s South Terminal – East Expansion Project (See Exhibit 9 for Sunkist Site). This land was designated for “Port – Related Uses” and is currently used for temporary storage of offloaded automobiles and other bulk products. Prior to this amendment, this land was designated for visitor serving land uses.

Should the Commission approve this subject LCP Amendment No. 2-2006, the City of Port Hueneme may take final action on the previously approved coastal permit for the related residential project proposed by John Laing Homes, a private development company. It is important to note that the proposed development project at the City level is not part of this LCP Amendment and may only proceed if authorized by a Coastal Development Permit approved by the City after the certification of this Amendment by the Coastal Commission. Since the subject site is located within the Commission’s coastal appeal jurisdiction, the City of Port Hueneme action on this residential project is appealable to the Commission.

C. Coastal Land Use Priorities and Cumulative Development Issues:

The proposed amendment to the certified City of Port Hueneme Land Use Plan would result in the conversion of approximately 17 acres of land currently designated for industrial and coastal-related industrial uses to residential use (Exhibits 4 and 5). “Coastal dependent” and “coastal related” industrial uses are designated as priority uses under the Chapter 3 policies of the Coastal Act. In this case, the proposed amendment raises issues regarding priority land uses under the Coastal Act and potential cumulative impacts to coastal resources that will result from conversion of the subject parcels to residential development. The primary issue for the Commission to consider is whether or not the conversion of land currently designated for use for

industrial, including “coastal-related,” land uses to “residential” use adjacent to or near the Oxnard Harbor District is consistent with the policies of the Coastal Act. The second issue involves potential cumulative adverse impacts resulting from the conversion of land currently developed with, and surrounded by, existing industrial development to residential land use. Development of the subject sites with residential development would result in potential conflicts between the neighboring industrial uses and new residential homeowners due to undesirable noise, odors, and activities related to the industrial uses. This conflict would likely result in increased pressure to eventually convert the remaining surrounding industrial areas to residential use as well.

Public Resources Code Section **30250** of the Coastal Act states that:

(a) **New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...**

(b) **Where feasible, new hazardous industrial development shall be located away from existing developed areas.**

Public Resources Code Section **30255** of the Coastal Act provides that:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. ... When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Public Resources Code Section **30260** of the Coastal Act provides that:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.

Public Resources Code Section **30101** of the Coastal Act defines "coastal-dependent development or use" as:

“Coastal-dependent development or use” means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Public Resources Code Section **30101.3** of the Coastal Act defines "coastal-related development" as:

“Coastal-related development” means any use that is dependent on a coastal-dependent development or use.

Public Resources Code Section 30701(a) of the Coastal Act provides that:

The Legislature finds and declares that:

(a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

The Coastal Act provides that coastal-dependent developments, including coastal related developments, shall have priority over other developments on or near the shoreline. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth. When appropriate, coastal-related developments, should be accommodated within reasonable proximity to the coastal-dependent uses they support. It important to note that Coastal related developments include facilities for commercial fishing facilities, aquaculture, offshore oil, gas and mineral development in addition to port related developments.

The Port of Hueneme, is clearly a coastal-dependant use and one that has been recognized by the Coastal Act as a one of the state's primary economic and coastal resources and an essential element of the national maritime industry. The Oxnard Harbor District proposes to use the subject property for temporary storage of products brought into the District by ships. This proposed port related use is a coastal-related use because it supports the Port's operations and is therefore dependent upon the Port. The subject property is an appropriate location for uses that support the Port activities because of its proximity to the Port, its proximity to other industrial lands and its proximity to rail lines. If the use designation for the subject properties was converted to residential, there would be less area available for industrial uses that are dependent on the Port's operations.

Aside from the Surfside Industrial Area, there is no other similar sized land currently available in reasonable proximity to the Port that could be feasibly used for industrial uses that are dependent on the Port's operations. However, the City of Port Hueneme has asserted that there are six alternative sites for the expansion of port-related uses (three sites adjacent to the Oxnard Harbor District which are not currently available for use by the port and two other sites far to the east that are actually located in the City of Oxnard, and not within the City of Port Hueneme). The six sites that the City of Port Hueneme asserts are feasible alternatives are shown on Exhibit 16. The two sites in the City of Oxnard consist of some industrial zoned land but are mostly developed with agricultural uses, zoned for agricultural uses, or include wetlands. About half of each Site 1 and 2 are located within the coastal zone and the landward half of each site is located outside the coastal zone. Exhibit 16 identifies these two sites as number 1 and 2 both which are located within and beyond the coastal zone. Pursuant to the certified LCP for the City of Oxnard, about one third of Site number 1 is designated for industrial uses while about two thirds of the site is designated for agricultural uses and wetlands. Pursuant to the Oxnard LCP, Site number 2 is entirely designated for agricultural uses in the coastal zone. Its important to note that Sites 1 and 2 are located some distance

from the port, reducing the desirability for port related uses and increasing the potential impacts of such use on coastal resources. The Commission finds that these two sites identified by the City of Port Hueneme are actually located in the City of Oxnard (outside the City of Port Hueneme) and consist primarily of existing agricultural land and sensitive wetland areas which would be inappropriate for development with industrial uses." Thus, these alternative locations are considered infeasible due to their long distance from the Port District, the existing agricultural uses on those sites, and presence of sensitive habitat and environmental resources.

In regards to the other three sites identified by the City, Sites 3 and 4 are located on United States Naval Base property consisting of approximately 435 acres and 140 acres, respectively, of leased land. The Oxnard Harbor District's Vehicle Handling and Distribution Facility Final EIR (for the proposed use of the Sites A and B in this LCPA) states that the Oxnard Harbor District has previously requested the U.S. Navy to increase the size of the Naval Base area available for District use pursuant to a joint use agreement between the U.S. Navy and the District. However, the U.S. Navy has not previously agreed to expand the area for District Use. Further, the existing agreement only allows the District to use portions of this Navy land with the limitation that it must be vacated within 24 hours upon receipt of notice. As a result of this limitation, use of this land is not feasible for storage and distribution of bulk products received at the Port.

Site number 5 consists of 8.15 acres of existing residential development adjacent to the District with a "Residential" land use designation and "Transitional Residential/Coastal-Related Industry" zoning designation. If the District were to expand onto these 8.15 acres for Coastal Related Industrial purposes, the District would need to acquire a number of individually owned, residentially developed properties, relocate the occupants, and then demolish the residences before this site could be used for any port related activities. Therefore, conversion of this property is not considered feasible.

Site number 6 consists of 5 acres located adjacent to the District (formerly the Edison oil storage tanks) which is now paved and fenced and may be used in the future by the District for first point staging of products offloaded at the Port. The Oxnard Harbor District is currently processing a Port Master Plan Amendment No. 7 to change the land use on this property from "Petroleum Products" to "Autos/General Cargo". The District held its first public hearing on this Amendment on July 10, 2006 and may take final action on August 28, 2006. It is expected that if this Amendment is approved, the District will submit this Amendment to the Coastal Commission for certification into the existing District's Port Master Plan. The District has informed staff that this site is not large enough to meet the District's current needs for automobile storage. The District may need additional land for coastal related uses in the future. This site with five acres is much smaller than the 17 acres considered at Sites A and B in this LCPA and is not considered a feasible alternative site due to its limited size.

Thus, for the reasons stated above, none of the six alternative sites cited by the City of Port Hueneme are considered feasible for District use as storage and distribution sites as compared to the subject Sites A and B in this LCPA. In addition, as discussed in

more detail below, the Harbor District has documented its need for this land for coastal-related uses to serve the District at the Port of Hueneme. Therefore, the Commission finds that it would be inconsistent with the above-cited policies of the Coastal Act to convert land that is appropriate and needed for coastal-related uses to residential uses.

The certified Land Use Plan identifies the "Area C Surfside Industrial" area as "Industrial" with a zoning designation of "M-1 Light Industrial". The existing land uses identified in this area include "Industrial" and "Public Facilities" (Exhibit 12). The discussion provided in the Land Use Plan notes that Area C contains Industrial uses (auto salvage, general industrial, mini-storage) and public facilities. The Land Use Plan includes a discussion recognizing coastal related industrial uses as a priority land use as cited below:

Due to its existing industrial character, low utilization, and direct road and rail access to the Port of Hueneme, the Surfside Industrial area has been identified as an area that continues to be appropriate for future industrial development including accommodating harbor-related growth. Inasmuch as Area C lacks immediate water adjacency, coastal-dependent uses would be precluded from locating therein. Furthermore, pre-existing development within the Surfside Industrial area may not, in all cases, be conducive for subsequent conversion to harbor-related use. Hence, such development should not be precluded from continuing or being replaced by other than harbor-related uses. Therefore, coastal related land uses are encouraged to locate in this area due to road and rail access to Port Hueneme along with other industrial uses. Within this context, therefore, the following specific development policies shall apply:

***Due to lack of immediate water adjacency, coastal-dependent uses shall be precluded from development within the Surfside Industrial area.
Preference shall be given to development of coastal-related uses in remaining vacant land areas.***

The certified Land Use Plan places a higher priority on coastal related uses within Industrial designated lands. Residential land uses are not an allowable land use within Industrial designated lands. The proposed Zoning Ordinance Amendment would result in a loss of higher priority coastal related zone in order to accommodate the lower priority residential zone. The proposed change is inconsistent with the Land Use Plan policies cited above.

As noted above, the Commission certified the City's LCP in 1984, including the "Surfside Industrial Area" which was designated specifically as a "Coastal Related Industry" land use. In 1998, the Commission certified Amendment No. 1-98 which deleted the "Coastal Related Industry" land use replacing it with "Industrial" and "Public Facilities" designated land uses. In addition, as part of that amendment, the Commission also certified a revision to the LCP that specifically stated that the "Surfside Industrial Area" is an "area that continues to be appropriate for future industrial development including accommodating harbor-related growth." As proposed by the City in LCPA No. 1-98, the language was intended to broaden the allowable land uses for the subject area to allow for industrial development, in addition to coastal related industrial development. However, as noted above, LCPA No. 1-98 also specifically provided that preference for coastal related uses be given in regards to any new

development of the remaining vacant lands as noted in the reference above from the City's current certified LCP.

As discussed above in detail, the subject site is an appropriate location for coastal related uses. Further, the Oxnard Harbor District has not only expressed an interest in acquiring these sites for coastal related uses but also is proposing to acquire these sites and is pursuing a development project to carry out coastal related uses to serve District needs.

The certified City of Port Hueneme Land Use Plan requires that land must be provided for potential coastal related uses or developments when they are needed in the future. Since this site is the only industrial area within the City that has direct rail and road access to the Harbor District, the potential for developing coastal related land uses within reasonable proximity to the coastal-dependent uses they support, is appropriate. The existing "Industrial" land use designation which provides for "Coastal Related Industry", as a preferred land use, provides for adequate opportunity for coastal related land uses, including aquaculture, commercial fishing, offshore oil, gas and mineral development and the proposed port related land uses to be developed within this Area by the District. Therefore, the Commission finds that City's Local Coastal Plan and Zoning Ordinance Amendments to convert a portion of Area C Surfside Industrial to single family and multi-family residential zones, as submitted, is inadequate to carry out the City's certified Land Use Plan.

1. Need for "Coastal-Related" Land

The two properties that are subject to the proposed amendment comprise approximately 17 acres of the larger 40-acre "Surfside Industrial Area". Existing land uses within the "Surfside Industrial Area", include various industrial uses (including, but not limited to, a boat repair facility, welding facilities, and a mini-storage) and three public facilities (Veterans of Foreign Wars building, a City storage/maintenance yard, and a School District storage/maintenance yard). The Surfside Area is currently developed with, and continues to be appropriate for industrial development and coastal related uses. This area has existing rail access (Ventura County Railroad) and road access to other areas of the County, including the Oxnard Harbor. The existing rail line provides direct access to the Harbor District from the two subject properties. The presence of the rail connection is a unique attribute for this industrial area which would greatly facilitate its potential use for "Coastal Related" Industry. The subject sites are located approximately 3/4 - 1 mile east of the harbor and less than 1/2 mile north from the ocean. Thus, the subject sites are in reasonable proximity to the Port operations and are appropriate for industrial uses that are dependent on the Port's operations. In its previous approval of LCPA No. 1-98 that authorized the previous re-designation/rezoning of the two subject sites to its current industrial use/zoning, the Commission found that because the subject area is not on or immediately adjacent to the sea, a coastal dependent land use designation was not necessary for the Surfside Area and that it was more appropriate to designate the land for industrial/coastal related land uses.

Staff requested information on the future needs of the Oxnard Harbor District as they relate to the City's proposed land use change for the Surfside Industrial Area. William Buenger, Executive Director, of the Oxnard Harbor District responded in a letter dated December 7, 2005, that the two properties that are the subject of this amendment request, are needed to meet current levels of Port use as well as future projected levels of Port Use (Exhibit 10). Mr. Buenger specifically indicates that the Harbor District intends to construct a vehicle handling and distribution facility on the two properties that are subject to this amendment. The Harbor District further states that the two subject properties are ideally suited for Harbor related industrial uses due to their close proximity to the Port and the availability of rail and road access. The Harbor District has stated that it objects to the proposed Amendment to the City's Local Coastal Plan as it would eliminate the potential use of the subject sites for Harbor related uses. More importantly, the Harbor District further states that the subject sites are some of the last remaining vacant areas within close proximity to the Port that is suitable for harbor-related uses/development and that the conversion of the subject sites to residential development would be detrimental both to the current operations of the port, as well as to future growth of the port. This letter sets forth the intent of the District to acquire this property for coastal related land uses as currently allowed in the City's LCP. The letter states:

This is the only vacant land in close proximity to the Port within the City of Port Hueneme that is, or would be, appropriate for Port use. The Oxnard Harbor District which owns and operates the commercial Port of Hueneme strenuously opposes the approval of the Amendment to the City's Local Coastal Plan because this property is vitally needed by the District to accommodate its current and future international business. The District proposes to construct on the land, nearly all of which is vacant, a vehicle handling and distribution facility because of its close proximity to the Port. As outlined in my letter to the Commission dated May 11, 2005 (Staff Note, see Exhibit 11), the District continues its process to acquire this land following the procedures required by law.

Recognizing the need to preserve and enhance the movement of goods and materials in California, particularly Southern California, the Oxnard Harbor District has in recent years not only prepared its marine facilities to handle increased waterborne commerce by expanding and improving waterfront areas, constructing refrigerated warehouses and vehicle transfer facilities, it has acquired a World Trade Center Association license to promote world trade, provided the local financial match for Rice Avenue extension (Port Intermodal Corridor) and purchased the memberships of the Ventura County Railway Company, LLC to preserve rail access to the harbor, both commercial and naval facilities.

The Coastal Act requires that coastal related uses or developments be considered a priority use in comparison with other types of development, including residential development. The Coastal Act further provides that that land for both existing and future coastal-related development should be protected for such uses. In this case, the subject sites are particularly important in regards to the provision of coastal related industrial development because they are the only currently vacant parcels of land designated for "Industrial" and "coastal-related" land uses within the City that are in relatively close proximity to the Harbor. Further, presence of direct rail and road access to the Harbor District is an important amenity that makes the subject site particularly

appropriate for development with coastal related land uses. The intent of the Oxnard Harbor District to acquire these properties is clearly identified in their December 7, 2005 letter (Exhibit 10). The District further explains in the December 7, 2005 letter why these properties are needed for Port use as follows:

*First in the adoption of the Coastal Act of 1976, the Legislature established a separate Chapter *8 governing ports, including the Port of Hueneme, and made specific legislative findings regarding them. Thus, the Legislature determined that the Port of Hueneme is "one of the state's primary economic and coastal resources and [is] an essential element of the National Maritime Industry." The Legislature also directed that the Port modernize and construct facilities within its boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state. The construction of housing units on the Hueneme Road land is detrimental to the Port of Hueneme as a "coastal resource" and contrary to the Legislative mandate for the construction of facilities within its boundaries. This is so because this land is currently needed to accommodate existing and future business of the Port. In this regard, it is interesting to note that between FY 1995 and 2005 dry cargo tonnage has increased by 36.8%, but the units of imported automobiles have increased 122.7% to a total of 280,007 units in 2005.*

Second the Coastal Act in section 30001.5(d) provides as a "basic goal of the state", priority to coastal dependent and coastal related uses over other development on the coast. The foreign, interstate and intrastate maritime commerce engaged in by the Port and the activities that support it thus should have priority over the use of the Hueneme Road land for housing.

As noted above in the letter from the Port of Hueneme, Oxnard Harbor District, the Harbor District not only needs these properties for current and expected future coastal related land uses but is now also in the process of acquiring these properties. The District's May 11, 2005 letter outlines the District's process to acquire these properties, through the process of eminent domain if needed, and including the need for a Commission approved Port Master Plan Amendment (Exhibit 11).

As indicated in my previous letters, the Oxnard Harbor District is proceeding with the process to acquire this property (nearly all of which is currently vacant) for port purposes because of the urgent need for additional land for existing and future cargo operations at the Port of Hueneme which is owned and operated by the Oxnard Harbor District. Because of its close proximity to the Port, this land is ideal for port related purposes. The District proposes to acquire this land through the exercise of the power of eminent domain, if necessary. As the Commission is aware, the process for acquisition of land by a public entity such as the Oxnard Harbor District is a rather slow process. The District must first complete an environmental assessment and adopt a negative declaration, mitigated negative declaration or environmental impact report before it can approve the project consisting of the acquisition of the land, amendment to its Port Master Plan, and development of the property for port use. ... The District is well underway in this environmental assessment process.

On July 11, 2005, the Oxnard Harbor District determined that an Environmental Impact Report was necessary and directed District Staff to commence preparation of the document. The public review period commenced on October 17, 2005 for the Draft EIR. The District held a public hearing on November 14, 2005. At this time, the Oxnard

Harbor District has not yet completed the certification process for the EIR due to pending litigation.

In addition, the Oxnard Harbor District have informed Commission staff that the District is currently planning to convert about the approximately 5 acres of land formerly used for by Edison for oil storage tanks to automobile and other cargo storage located within the Harbor District lands. On July 10, 2006 the Oxnard Harbor District held an initial public hearing on Port Master Plan Amendment No. 7 to consider changing the Land Use Designation from "Petroleum Products" to "Autos/General Cargo". The Harbor District set August 28, 2006, for the final hearing date for this Amendment and intend to submit it to the Coastal Commission shortly thereafter. The Commission notes that this is one of the sites the City of Port Hueneme has asserted would be a feasible alternative site for harbor expansion as a replacement for the subject site. However, the Harbor District staff have informed Commission staff that even with this additional 5-acre parcel of land for use by the Harbor District for autos and general cargo storage, the District remains interested in acquiring the properties which are the subject of this City of Port Hueneme LCP Amendment and have stated that the subject sites in the "Surfside Industrial Area" are necessary for future expansion of port operations.

2. Cumulative Impacts

As noted above, the "Surfside Industrial Area", which is approximately 40 acres in size is surrounded by residential development to the north and south, with pockets of residential development located to the west among Parks and Open Space Areas. To the east, there are Industrial Land Uses in the City of Port Hueneme and beyond in the City of Oxnard (Exhibits 4 and 5). The industrial uses have been established since as early as 1966 on one of these parcels (Exhibit 6).

The City proposes to replace the existing "Industrial" land use designation for about 17 acres of the "Surfside Industrial Area" with a "Residential" Land Use designation. Although, the remaining approximate 23 acres would continue to be designated "Industrial" and "Public Facilities" land uses, these remaining areas would subject to increased pressure in the future to be converted to residential land uses as well as a result of this amendment. As identified on the Land Use Map and the Zoning Map, Exhibits 13 and 14, there are seven parcels surrounding the proposed Residential Area that would remain designated for "Industrial" or "Public Facilities" Land Uses as currently proposed by the City of Port Hueneme. If the proposed conversion of land designated for "Industrial" uses to "Residential" land use were to occur on the subject Sites A & B, these seven remaining adjacent parcels of "Industrial" and "Public Facilities" land uses would become effectively non-contiguous or isolated pockets of industrial land uses surrounded by residential development. The result would create non-compatible land uses between the newly constructed residential development on subject Sites A and B, as proposed in this Amendment, and the surrounding ten adjacent or nearby parcels of existing "Industrial" and "Public Facilities" land uses within the Surfside Industrial Area (Exhibit 5). Further, the Commission finds that the proposed conversion of the subject sites to "Residential" land use would likely result in

potential conflicts between the existing neighboring industrial developments and the homeowners in the new residentially developed area due to undesirable noise, odors, and activities related to the industrial uses. Therefore, as a result of the inherent incompatibility of these land uses, it is further expected that the conversion of the subject site to residential development would also result in increased pressure to eventually also convert the existing neighboring industrial areas to residential land use. Therefore, as proposed, the conversion of the subject sites from industrial/coastal related land uses to residential land uses would also result in potential adverse impacts to, or the actual loss of, the remaining neighboring “Industrial” designated lands that are not directly subject to this amendment and which are currently developed with industrial and public service land uses within the Surfside Industrial Area. These resulting cumulative impacts would be inconsistent with Coastal Act policies addressing priority land uses protecting coastal related land uses in proximity to the coastal dependent Oxnard Harbor District.

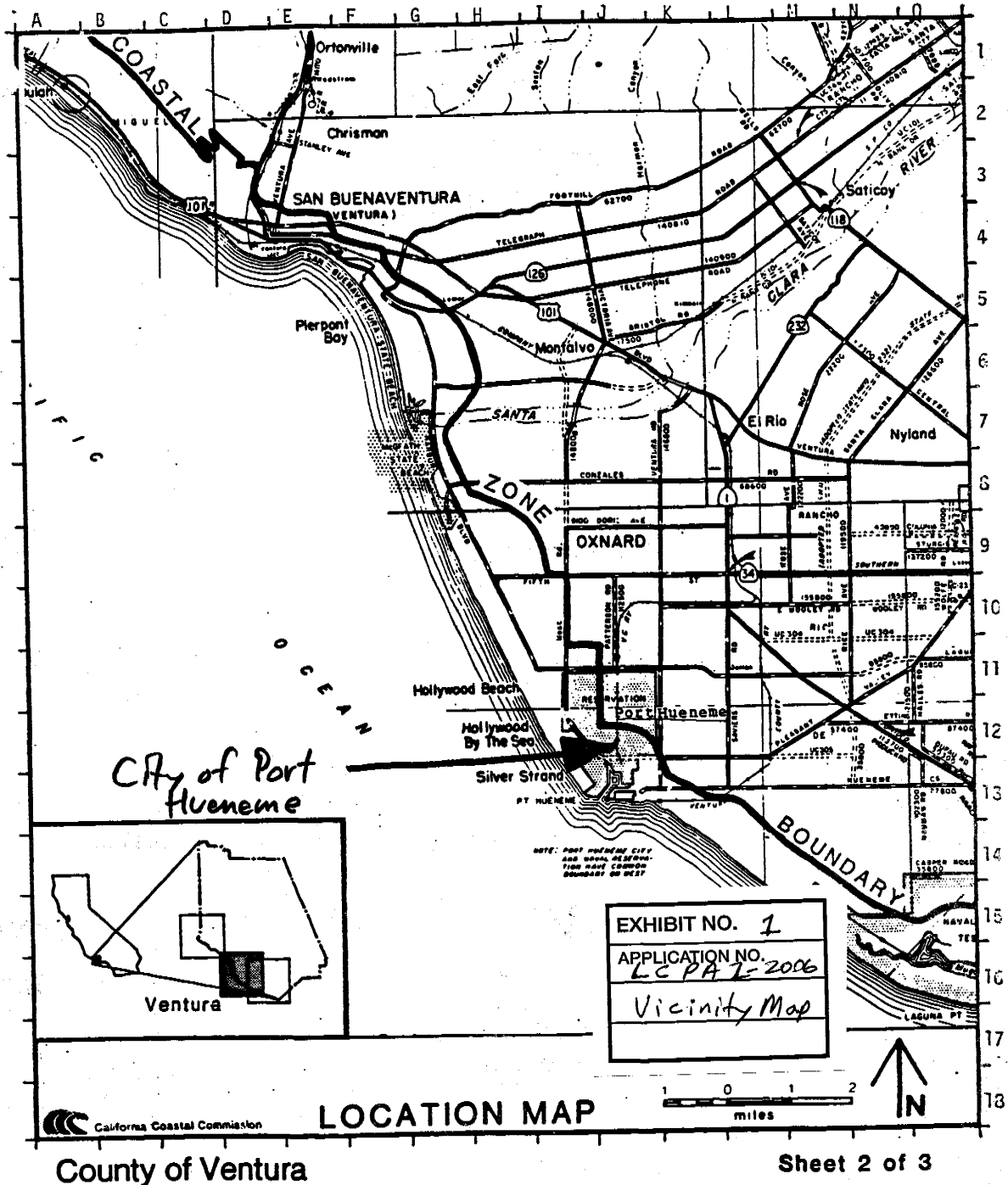
3. Conclusion

Therefore, the Commission finds that the proposed amendment to the City’s Local Coastal Program to convert the existing certified land use of the subject sites from “Industrial/Coastal Related” land uses and Zoning Ordinances to “Residential” land uses is inconsistent with Chapter 3 policies of the Coastal Act and the existing policies and provisions of the certified LCP for the City of Port Hueneme. The Coastal Act requires that specific categories of development, including “Coastal Related” development, receive priority over other non-priority development, such as Residential Land Uses. Specifically, Coastal Act policies require that coastal related land uses be protected and the use of land suitable for coastal related development shall have priority over private residential development. Thus, the Commission finds that City’s proposed Local Coastal Program Amendment to convert land from “Industrial/Coastal Related” land use and zoning ordinances to “Residential” land use within “Area C Surfside Industrial”, as submitted, is inconsistent with above referenced sections of the Coastal Act and the City’s certified LCP.

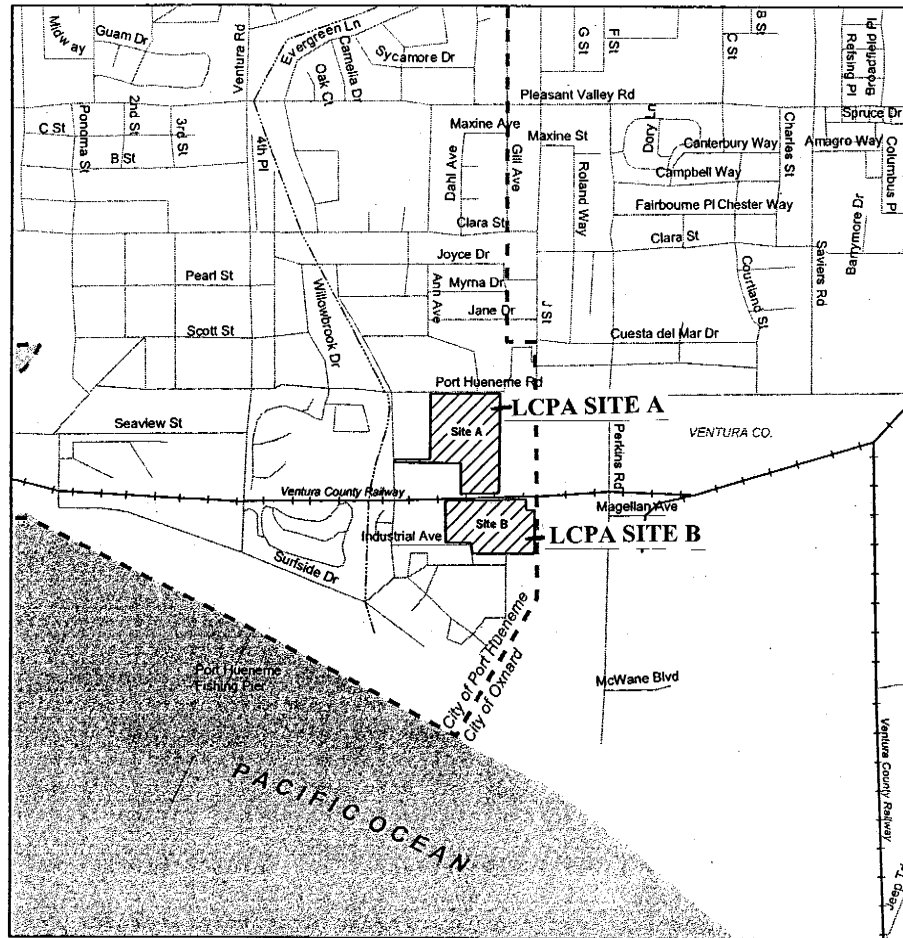
D. Local Coastal Program/California Environmental Quality Act

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission’s LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform with the provisions of CEQA. The City of Port Hueneme LCP Amendment 2-2006 consists of a Land Use Plan (LUP) amendment and a Zoning Ordinance amendment.

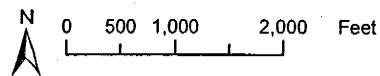
As discussed in this staff report, the LUP amendment is not in conformity with the coastal related industrial policies of Chapter 3 of the Coastal Act. The zoning ordinance amendment is not in conformity with nor adequate to carry out the coastal related industrial policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment will result in significant adverse environmental impacts under the meaning of CEQA. A feasible alternative exists in that the sites can retain the coastal related industrial land use designation and zoning. Therefore, the Commission finds that there are feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts. Therefore, the Commission denies LCP amendment request 2-2006.







Source: US Bureau of the Census Tiger 2000 data.



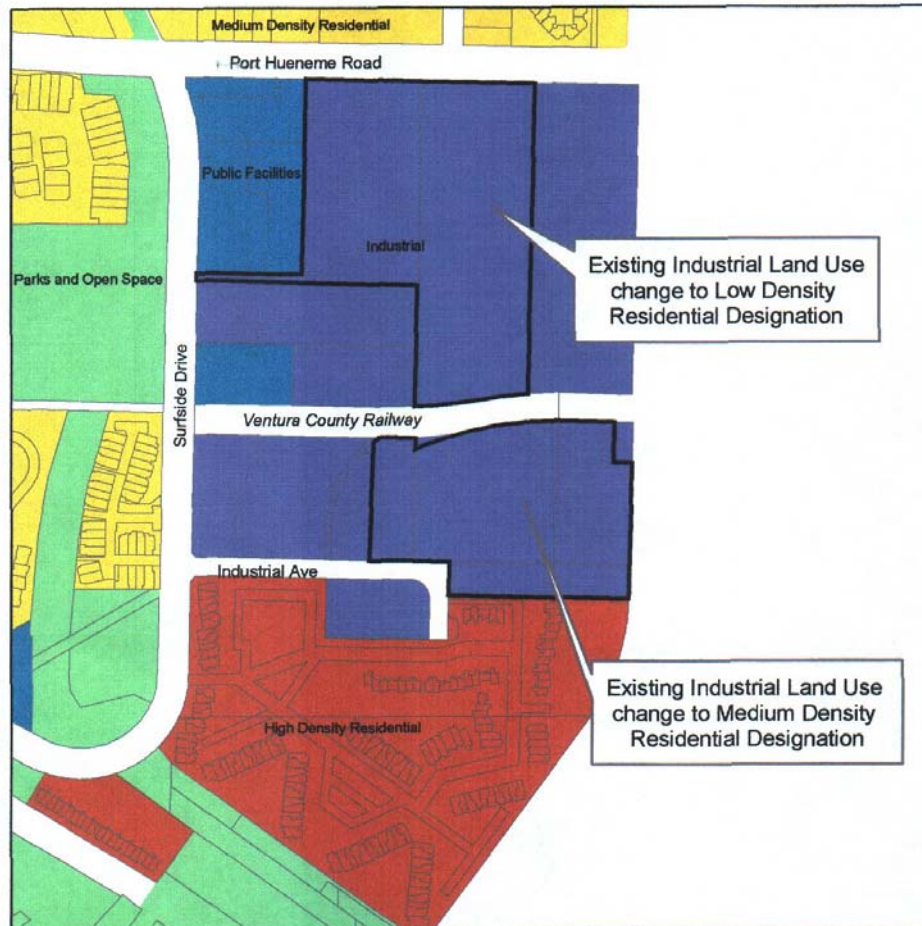
 Project Site

Project Location

Exhibit 3
LCPA 2-06
LCPA SITES
A & B

City of Port Hueneme

Port Hueneme Land Use Map
John Laing Homes Project



Source: City of Port Hueneme, 2005.

0 250 500 1,000 Feet



Legend

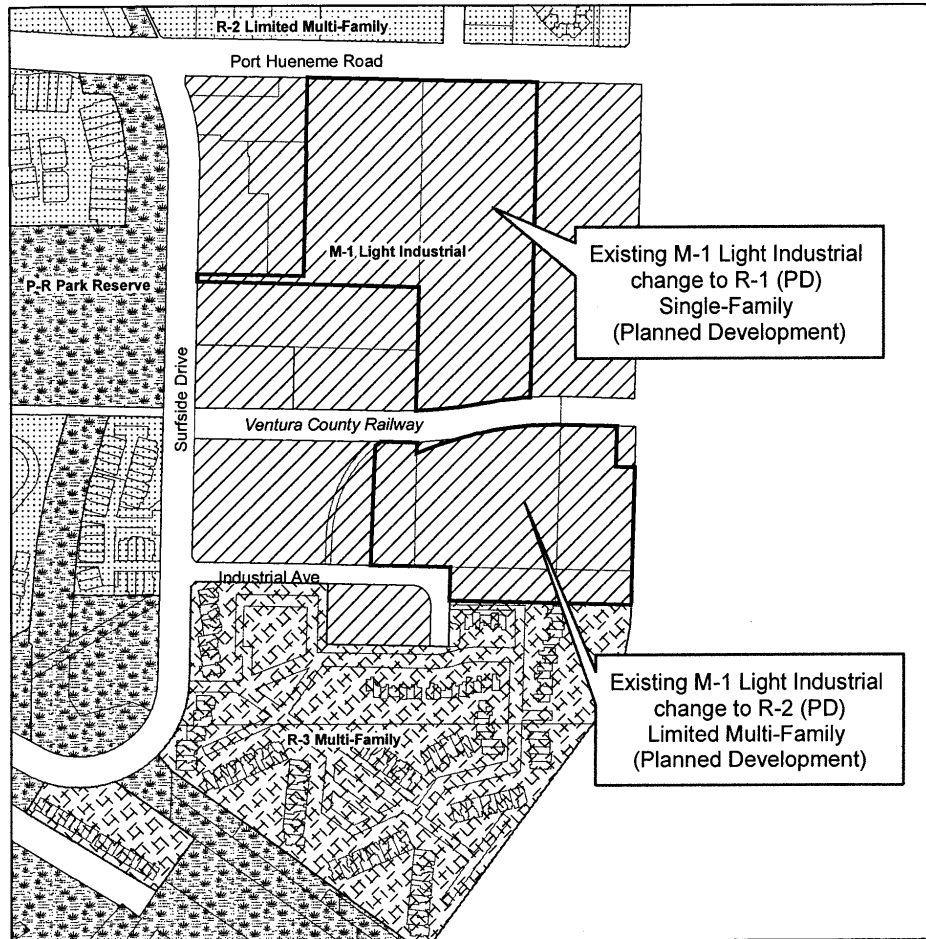
General Plan Land Use

- Industrial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public Facilities
- Parks and Open Space

Project Site

Exhibit 4
LCPA1-06
Land Use Plan
Changes

Port Hueneme Zoning Map
John Laing Homes Project



Source: City of Port Hueneme, 2005.

0 250 500 1,000 Feet



Legend

Zoning

- M-1 Light Industrial
- P-R Park Reserve
- R-1 Single-Family
- R-2 Limited Multi-Family
- R-3 Multi-Family

Project Site

Exhibit 5
LCPA 2-06
Zoning Map
Changes

TABLE 1 LCP Area C: Surfside Industrial Land Use History (See Assessor Map for Parcel Locations)				
	Parcel No.	Permit	Year	Use Description
Amendment Area	207-260-18 & 207-260-57	PHCU-743	1994	Auto import, storage yard and truck trailer staging (temporary use; no longer functioning).
		SUP-02	2000	
	207-260-29, & 231-091-02	PHPD-180	1969	Offshore drilling, pipe storage, warehouse storage and truck terminal uses.
		PHPD-385	1975	Expansion of storage activities onto adjacent railroad right-of-way.
		PHCU-718	1991	Previous uses replaced by truck terminal.
	231-091-03	None	N.A.	Sewer lift station used by the City of Port Hueneme.
	207-260-33	PHPD-258	1972	Boat repair and storage; portable office building for tow truck services.
Remainder of Surfside Industrial Area	207-260-49 & 231-091-04	PHPD-251	1971	Steel cleaning, coating and storage yard; replaced with welding shop.
	207-260-34	PHPD-112	1967	Steel and aluminum foundry established in 1967; building expansion/improvements authorized in 1973.
		PHPD-319	1973	
	207-260-36	PHPD-58	1965	Professional office use (McClelland Engineering); subsequently used for recreational vehicle product assembly.
		PHCU-753	1991	Previous uses replaced by Municipal Corporation Yard.
	207-260-40	PHPD-69	1966	Fish processing service; various permits authorizing assorted building and site improvements.
		PHPD-345	1974	
		PHPD-649	1988	
	207-260-42	PHPD-201	1970	Building manufacturing, auto repair, RV storage, commercial self-storage and general retail.
	207-260-59, 207-260-60, 207-260-61 & 207-260-62	PHPD-90	1966 & 1981	Originally developed as a wholesale product sales and distribution warehouse (1966); converted in 1981 to a Municipal and School District Corporation Yard with retail uses fronting Hueneme Road.
	207-260-63 & 207-260-64	PHPD-158	1969	Auto salvage, storage and towing.
		PHPD-714 & 715	1990	Previous uses replaced by a Veterans of Foreign Wars building and commercial self-storage facility.
	231-091-010	PHPD-429	1977	Commercial self-storage facility.

Exhibit 6
LCPA 1-06
LCP Area C: Surfside Industrial Land Use History
Amendment Area and Remainder of Surfside Area

JOHN LAING HOMES PROJECT LOCAL COASTAL PROGRAM AMENDMENT

LAND USE PROGRAM

Page 35. Revise narrative and policies relevant to Area C (Surfside Industrial) as follows:

LCP Land Use:

- . Industrial
- . Public Facilities
- . Low Density Residential
- . Medium Density Residential

Related Documents:

- . Central Community Redevelopment Project

Area C: Surfside Industrial

~~Due to its existing industrial character, low utilization, and direct road and rail access to the Port of Hueneme~~ Historically, the Surfside Industrial area has been identified as an area that continues to be appropriate for future industrial development, including accommodating harbor-related growth. However, much of this area has remained vacant or underutilized since it was initially designated for coastal-related land uses at the time of initial LCP Certification. Since 1984, coastal dependent and related land uses have been redirected and accommodated at locations more proximate to the port. In this regard, overall acreage available to accommodate priority industrial uses within the City has grown from 88 acres in 1984 to 122 acres in 2002 (reuse of the former NCEL and Sunkist Site in particular). In addition, harbor-related tenants currently out-lease approximately 140 acres from the CBC and approximately 435 acres of additional Navy land is potentially available for such purposes under the 1983 agreement between the City and Port District.

Inasmuch as Area C lacks immediate water adjacency, coastal-dependent uses would behave been precluded



from locating therein. Furthermore, pre-existing development within the Surfside Industrial area, north of the Ventura County Railroad, consist predominately of low intense industrial users (i.e., self-storage, warehousing and institutional uses). Areas south of the railroad are generally more invasive (i.e., manufacturing and open storage) and create potential conflict with adjacent residential development may not, in all cases, be conducive for subsequent conversion to harbor-related use. Hence, ~~such~~ While existing industrial development should not be precluded from continuing or being replaced by other than harbor-related uses industrial and coastal related uses. Therefore, ~~coastal-related land uses are encouraged to locate in this area due to road and rail access to Port Hueneme along with other industrial uses~~ residential development of vacant and underutilized land could foster other important land use and affordable housing objectives. Within this context, therefore, the following specific development policies shall apply:

Coastal Related Industry

Due to the lack of immediate water adjacency, coastal-dependent uses shall be precluded from development locating within the Surfside Industrial area.

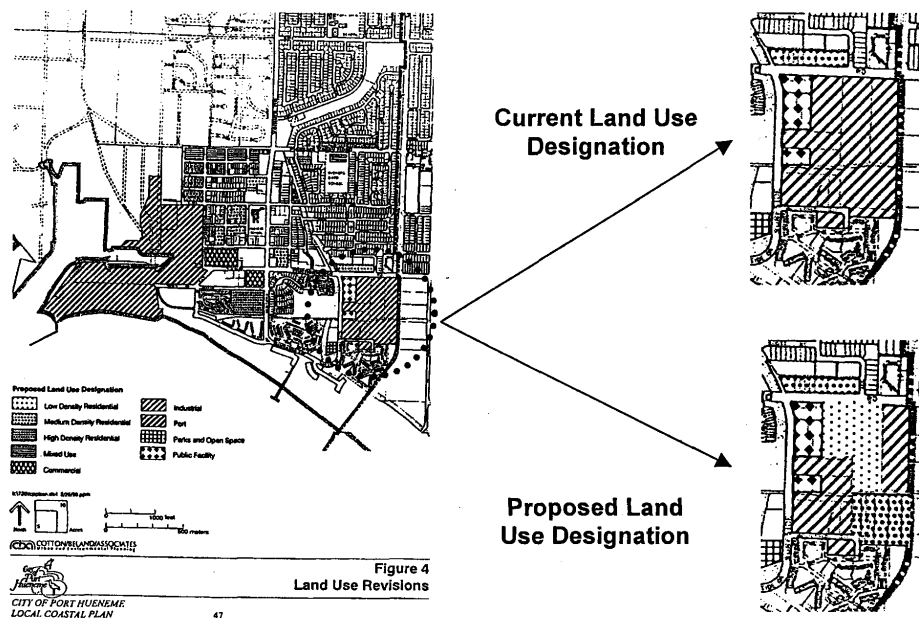
Preference shall be given to ~~development of coastal-related uses in remaining vacant land areas~~ locating on property with an industrial designation.



Residential development may be allowed on remaining vacant land provided that site specific designs and conditions of approval mitigate potential conflicts with adjacent uses.

IMPLEMENTATION

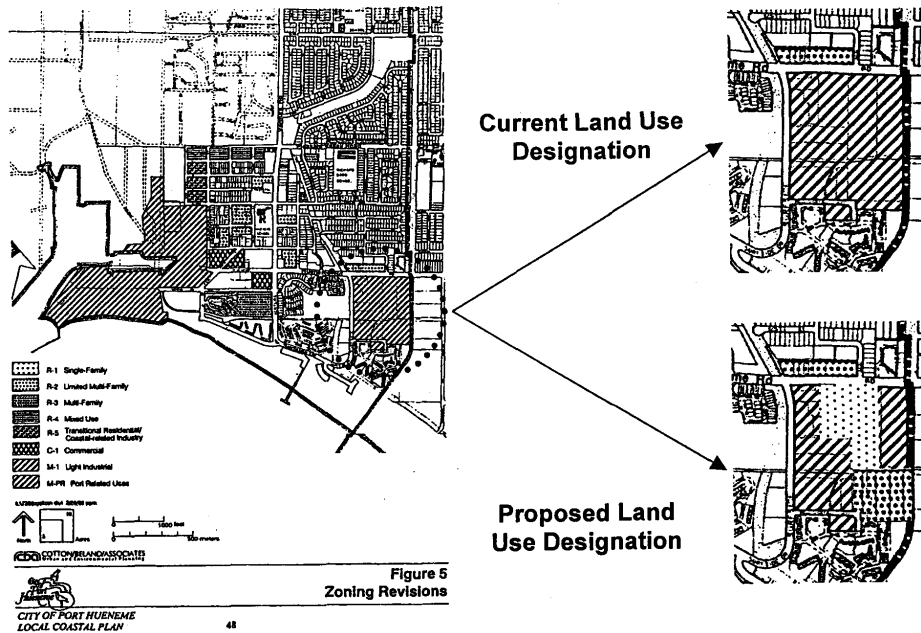
Page 47. Revise Figure LU4 Land Use Policy Map as shown below :











Proposed Land Use Designation

	Low Density Residential		Industrial
	Medium Density Residential		Port
	High Density Residential		Parks and Open Space
	Mixed Use		Public Facility
	Commercial		

Page 48. Revise Figure LU5 Zoning Map as shown below :



-  R-1 Single-Family
-  R-2 Limited Multi-Family
-  R-3 Multi-Family
-  R-4 Mixed Use
-  R-5 Transitional Residential/
Coastal-related Industry
-  C-1 Commercial
-  M-1 Light Industrial
-  M-PR Port Related Uses



Page 49. Revise narrative of Implementing Programs section as follows:

Implementing Programs

Several "implementing programs" will continue to be executed by the City of Port Hueneme. These Programs include the Neighborhood Preservation Program and assorted agreements between the City and Oxnard Harbor District consisting of the: 1979 Port Development Review Committee Agreement; the 1983 Infrastructure and Port Expansion Agreement; 1987 Wharf No. 2 Settlement Agreement; and the 1995 NCEL Disposition Agreement and 2000 Sunkist Site Memorandum of Understanding between the City and Oxnard Harbor District.

The Neighborhood Preservation program is an on-going program to preserve and maintain the City's housing stock. The Program includes the following four components: housing rehabilitation program, code enforcement, commercial revitalization, and selective acquisition. Based on the age and condition of the housing-stock, the City has delineated a Neighborhood Strategy Area (NSA) in which rehabilitation and code enforcement efforts are focused.

The Ventura County Hazardous Waste Management Plan delineates the basic criteria to be employed, in addition to LCP policies, in the siting and design of facilities associated with generation, handling and disposal of hazardous wastes and materials. Specifically, Tables II A, II -B, I 1 -C, 4A and 4B, and Figures 4-1 and 4-2 of the County Plan are incorporated by reference herein.



The City of Port Hueneme and Oxnard Harbor District have entered into four a series of agreements dating back to 1979 which affect future planning efforts in the coastal zone. The Port Development Review Committee Agreement, last amended in 1982, will serve as the mechanism through which development of the Port of Hueneme and surrounding areas is to be coordinate between the City and District. The other cooperative planning efforts between the City and District are the 1987 Settlement Agreement, as amended, and the 1995 NCEL and 2000 Sunkist Site Memorandum of Understanding, as amended agreements expressly provide for expansion of the port; the 1987 Agreement granted approval for 17 additional acres of coastal dependent and coastal related zoning; the 1995 NCEL Agreement added 34 acres to the inventory of port-related land; and the 2000 Sunkist Site Memorandum authorized development of an additional 10 acres for port purposes.

Most significant among these agreements is the 1983 Infrastructure and Port Expansion Agreement which authorizes the Oxnard Harbor District to acquire or lease 600 acres on adjacent Navy land and an additional 40 acres of property in Area C: Surfside Industrial. As of 2004, approximately 165 acres of this total are used for port purposes. As a complimentary action, in compliance with the 1987 Settlement Agreement called for creation of a single zone classification to streamline and simplify the development review process for port related uses the City has created one



~~General Plan and Zoning category for~~
~~property owned by the Oxnard Harbor~~
~~District (See the above discussion about~~
~~"Zoning Revisions").~~

RESOLUTION NO. 3476

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME
REAFFIRMING ITS PRIOR AUTHORIZATION (GRANTED BY RESOLUTION
NO. 3240) OF THE CITY'S SUBMITTAL OF PORT HUENEME LOCAL
COASTAL PROGRAM AMENDMENT NO. 2-06
TO THE CALIFORNIA COASTAL COMMISSION WITH SAID AMENDMENT TO
TAKE EFFECT AFTER FORMAL CITY ADOPTION SUBSEQUENT TO
COMMISSION APPROVAL
(John Laing Homes)**

WHEREAS, the City of Port Hueneme staff submitted Local Coastal Program Amendment 2-06 to the South Central Coast Area Office of the Coastal Commission on April 12, 2006 involving amendment to the City's Local Coastal Plan ("LCP") to revise its LCP Land Use and Zoning Ordinances and Maps on one parcel from Industrial and M-1: Light Industrial Zone, respectively to Low Density Residential and R-1(PD) Single Family (Planned Development) Zone, respectively; and on a second parcel from Industrial and M-1: Light Industrial Zone, respectively to Medium Density Residential and R-2(PD): Limited Multifamily (Planned Development) Zone, respectively that would allow construction of a residential project known as John Laing Homes; and

WHEREAS, on April 19, 2006, the South Central Coast Area Coastal Program Analyst requested that the City Council authorize by separate resolution the submittal of LCP Amendment No. 2-06 to the Coastal Commission and indicate whether the amendment would take effect automatically after Commission approval or after formal City adoption subsequent to Commission approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Hueneme does hereby reaffirm its prior authorization set forth in City Council Resolution No. 3420 authorizing the City's Community Development Director to file documents with the California Coastal Commission as may be required to implement the proposed Project and that the submittal of Port Hueneme Local Coastal Program Amendment No. 2-06 to the California Coastal Commission is consistent with the Council's prior direction.

BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme does hereby authorize the City's Community Development Director or his/her designee to execute any and all necessary documents and take any further action needed to implement the proposed Project and that the Amendment will take effect after formal City adoption subsequent to Commission approval.

Exhibit 8
LCPA 2-06
City Resolution No. 3420 76

PASSED AND ADOPTED this 3rd day of May 2006.


ANTHONY C. VOLANTE, MAYOR

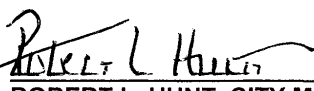
ATTEST:


KAREN JACKSON, CITY CLERK

APPROVED AS TO FORM:


MARK D. HENSLEY, CITY ATTORNEY

APPROVED AS TO CONTENT:


ROBERT L. HUNT, CITY MANAGER

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS:
CITY OF PORT HUENEME)

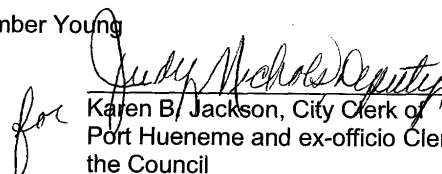
I, KAREN B. JACKSON, duly appointed and qualified City Clerk of the City of Port Hueneme, do hereby certify that the foregoing Resolution No. 3476 is a true and correct copy passed and approved at the Regular Council Meeting of May 3, 2006 by the City Council of the City of Port Hueneme by the following roll call vote:

AYES: Council Members Morales, Rosenbluth, Sharkey,
Mayor Pro Tem Morales, Mayor Volante

NOES: None

ABSTAINING: None

ABSENT: Council Member Young

for 
Karen B. Jackson, City Clerk of
Port Hueneme and ex-officio Clerk of
the Council

DATED: May 4, 2006

RESOLUTION NO. 3420

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT HUENEME CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF ITS RELATED MITIGATION MONITORING AND REPORTING PROGRAM AND CONDITIONALLY APPROVING A RESIDENTIAL DEVELOPMENT CONSISTING OF TWO COMMUNITIES INVOLVING BOUNDARY CHANGE APPLICATION NOS. PHBC-790 AND 793 TO RECLASSIFY ZONING AND LOCAL COASTAL PROGRAM AND GENERAL PLAN LAND USE MAPS FOR EACH COMMUNITY; CONDITIONALLY APPROVING TENTATIVE TRACT MAP APPLICATION NOS. PH-791 AND PH-794 FOR LAND SUBDIVISION OF EACH COMMUNITY; CONDITIONALLY APPROVING PLANNED DEVELOPMENT PERMIT APPLICATION NOS. PHPD-792 AND PHPD-795 WHICH SERVES TO AMEND THE LOCAL COASTAL PROGRAM TEXT, GENERAL PLAN TEXT, AND APPROVE EACH COMMUNITIES' CONSTRUCTION; AND AUTHORIZING TRANSMITTAL OF SAME TO THE CALIFORNIA COASTAL COMMISSION
(John Laing Homes)

ARTICLE I -- RECITALS

A. Recitals

1. WHEREAS, a public hearing has been held as required by law to consider several applications filed by WL Homes, L.L.C., dba John Laing Homes ("Permittee") seeking amendment to the City of Port Hueneme ("City") Zoning Map and General Plan and Local Coastal Program ("LCP") Land Use Maps, which require narrative and policy revisions to the General Plan and LCP texts, and seeking issuance of Planned Development Permits and Subdivision Maps for a residential project consisting of two adjacent sites encompassing approximately 17 acres of land involving the development of 10.07 vacant acres of land with 64 single-family detached homes and site clearance and development of 6.8 acres of vacant and improved land with 86 attached townhomes and related improvements as more fully described herein situated near the southeast intersection of East Port Hueneme Road and Surfside Drive, a portion of Subdivision 87, Rancho El Rio De Santa Clara O'La Colonia in the City of Port Hueneme, County of Ventura, State of California, also identified as Ventura County Assessor's Parcel Nos. 207-260-18, -29, -33, -49, and -57, and 231-090-02 and -04 (hereinafter referred to as, "Project"); and

2. WHEREAS, pursuant to Municipal Code Section 10004 and 10352, the proposed Zoning and General Plan Land Use Map reclassifications requires the issuance of a Boundary Change by the City; and

3. WHEREAS, said Boundary Change would rezone approximately 10-acres from a "M-1: Light Industrial" classification to "R-1: Single Family" and

rezone approximately 6.8-acres from a "M-1: Light Industrial" classification to "R-2 Limited Multifamily" zone classification and would remap the "Industrial" land use designation to the corresponding "Low Density Residential" and "Medium Density Residential" land use as depicted in Exhibit "A" attached hereto and incorporated by this reference; together with miscellaneous revisions to the LCP and General Plan texts to reflect and maintain consistency with the proposed zoning and land use map changes as set forth in Exhibit "B" attached hereto; and

4. WHEREAS, in addition to providing development review, the Project's proposed General Plan and LCP text amendments require processing as a planned development permit issued by the City pursuant to Municipal Code Section 10003 and 10352; and

5. WHEREAS, the City received certification of its first LCP on July 25, 1984, with the LCP existing as an amendment to the City's General Plan whereby the City's General Plan text, Zoning Ordinance, Zoning Map, and General Plan Land Use Map constitute the LCP for that portion of the coastal zone within the City pursuant to Municipal Code Section 10006; and

6. WHEREAS, pursuant to Municipal Code Section 10006, any amendment to adopted development and use standards or boundary change to land situated within the California Coastal Zone constitutes an amendment of the City's LCP and shall not become final until approval and/or certification is granted by the California Coastal Commission; and

7. WHEREAS, the City does not have a planning agency other than the legislative body itself and the Project's proposed amendment of the General Plan and LCP texts and boundary adjustment to the General Plan Land Use and Zoning Maps of the City are hereby initiated by the City Council of the City of Port Hueneme acting for itself and as the planning agency and by the land owners of record; and

8. WHEREAS, pursuant to operative statutes and regulations, the City is required to comply with the California Environmental Quality Act ("CEQA") prior to taking any action on the Project and to make findings for all significant effects which would likely result from approval of the Project; and

9. WHEREAS, In order to comply with CEQA, a Draft and Final Environmental Impact Report was prepared for the Project by the City through its consultant, Rincon Consultants Inc., to analyze the potential significant environmental effects of the Project, whereby a Final Environmental Impact Report, California State Clearing House Number #2004061032 ("FEIR"), was prepared in accordance with CEQA; and

10. WHEREAS, through its consultant, Rincon Consultants Inc., the City has prepared a Mitigation Monitoring and Reporting Program as required by CEQA to ensure implementation of mitigation measures identified in the FEIR; and

11. WHEREAS, the City Council considered the effects of this Project on the regional need for public services, and available fiscal and environmental resources before deciding on this matter; and

12. WHEREAS, City staff has recommended that the proposed Project be conditionally approved.

ARTICLE II -- DECLARATIONS

A. Record

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Port Hueneme does hereby make the following findings of fact:

1. Prior to rendering a decision on any aspect of the Project and FEIR prepared pursuant thereto, the City Council duly considered the following:

a. All public testimony, both written and oral, and supporting materials and exhibits relevant to the proposed Project received in conjunction with that certain public hearing conducted on February 2, 2005 ("Public Hearing").

b. All oral, written, and visual materials presented by City staff, Permittee, and Rincon Consultants in conjunction with the Public Hearing.

c. The following informational documents which, by this reference, are incorporated herein:

i. That certain written report submitted by the City's Community Development Director dated February 2, 2005 (hereinafter referred to as "Staff Report").

ii. The FEIR, California State Clearing House Number #2004061032, dated January 2005 commissioned by the City for the Project.

iii. The FEIR's Mitigation Monitoring and Reporting Program for the Project attached hereto as Exhibit "C".

iv. All written and oral comments received as a result of the distribution of LCP public review draft documents for the Project on September 30, 2004 and received in conjunction with the Public Hearing.

v. The Project's Preliminary Development Plans encompassing the Project's site summaries including, but not limited to, preliminary building elevations, floor plans, and site and landscape plans accompanying the Staff Report.

vi. The Project's Tentative Tract Map Nos. 5451 and 5452 that accompanies the Staff Report.

vii. Boundary Change Application No. PHBC-790, Tentative Tract Map Application No. PH-791, and Planned Development Permit No. PHPD-792 for the Project's single-family community situated on approximately 10.07 vacant acres of land and Boundary Change Application No. PHBC-793, Tentative Tract Map Application No. PH-794, and Planned Development Permit Application No. PHPD-795 for the Project's townhome community situated on approximately 6.8 acres of vacant and improved land together with supporting Project materials accompanying the Staff Report ("Application").

B. Public Review

1. That on the basis of evidence hereinafter listed, all administrative procedures and public participation requirements pertaining to the General Plan, LCP, and Zoning Amendments and issuance of a Boundary Change prescribed in Title 7, Division 1, of the Government Code of the State of California, Division 20 of the Public Resources Code, and Article X of the Port Hueneme Municipal Code, have been lawfully satisfied.

a. Notice of Preparation of a Draft Environmental Impact Report dated for the Project was distributed on June 4, 2004 to responsible and interested agencies and a public scoping meeting was conducted by the City regarding the Project's Draft Environmental Impact Report on July 15, 2004.

b. Written notice of the availability of LCP public review draft documents pertaining to the proposed Project together with public hearing date before the City Council was mailed to all governmental agencies and persons know to be interested in General Plan and LCP matters. In addition, copies of the review draft documents were made available for public perusal at the Port Hueneme Civic Center, Ray D. Prueter Library, and South Central Coast Area Office of the Coastal Commission. Both notice and documents were mailed and/or delivered on September 30, 2004, a minimum of forty-five (45) days prior to the City Council's final action on the proposed Project.

c. Written notice of the availability of a Draft Environmental Impact Report and public hearing for the Project before the City Council was mailed to all governmental agencies and persons who were known to be interested in LCP matters, which notice was mailed in early October, 2004 and published on

October 11, 2004. Copies of the Draft Environmental Impact Report were made available for public perusal at the Port Hueneme Civic Center, Ray D. Prueter Library, and South Central Coast Area Office of the Coastal Commission during the public review period of October 11, 2004 through November 29, 2004.

d. Written Notice of the Project's Public Hearing before the City Council of the City of Port Hueneme was mailed to all governmental agencies and persons who were known to be interested in General Plan and LCP matters and to all persons who have filed written request for such notice, which Notice was mailed not later than ten (10) calendar days prior to the date of said hearing.

e. Written Notice of the Project's Public Hearing before the City Council of the City of Port Hueneme was mailed to all property owners within 300 feet of the boundaries of the Project site and to all residents within 100 feet of said boundaries, which Notice was mailed not later than ten (10) calendar days prior to the date of said hearing.

f. Written notice of the Public Hearing before the City Council to consider adoption of the FEIR and the Project entitlements was published in a legal section of a newspaper of general circulation on January 22, 2005 a minimum of ten (10) calendar days prior to the date of said hearing with proposed response to comments supplied to commenting agencies a minimum of ten (10) calendar days prior to said Public Hearing

C. Environmental Impact Findings

1. BE IT FURTHER RESOLVED that on the basis of evidence presented in this Resolution, the City Council hereby certifies that the Project's FEIR has been completed in compliance with CEQA and that the City Council has conducted a public hearing as required by law to consider the proposed Project and it has reviewed and considered the information contained in the FEIR prior to taking any action related thereto and that the FEIR reflects the City Council's independent judgment and analysis.

2. BE IT FURTHER RESOLVED that on the basis of evidence presented in this Resolution, and with the incorporation of all mitigation prescribed in the FEIR's Mitigation Monitoring and Reporting Program attached hereto as Exhibit "C", pursuant to CEQA Regulation Section 15091, it is found that changes or alterations have been required in, or incorporated into, the proposed Project which mitigate or avoid the significant environmental effects thereof as identified in Exhibit "D", attached hereto and incorporated by this reference.

3. BE IT FURTHER RESOLVED that the City Council hereby certifies the Project's FEIR and adopts the FEIR's Mitigation Monitoring and Reporting Program attached hereto as Exhibit "C" and approves the FEIR's findings attached hereto as Exhibit "D". The location and custodian of record of the

proceedings upon which the City Council's decision is based shall be with the City's Community Development Director in the City's Department of Community Development, 250 North Ventura Road, Port Hueneme, California 93041.

4. BE IT FURTHER RESOLVED that the City's Community Development Director is hereby authorized to file any and all documents to implement the FEIR's approval and adoption herein including filing a Notice of Determination with the Ventura County Clerk and the California Office of Planning and Research and providing a copy to the California Coastal Commission.

D. Mitigation Fee Findings

1. BE IT FURTHER RESOLVED that as a condition of Project approval, certain dedications and fees listed in Article III hereunder, are required to help avoid or substantially mitigate potentially injurious or detrimental effects to the public health, safety or welfare.

2. BE IT FURTHER RESOLVED that the purpose and nexus for traffic fees identified in Williams-Kuebelbeck & Associates *Nexus Analysis Calculations for Citywide Traffic Impact Fee* dated April 14, 1997, is hereby adopted for this Project pursuant to Goal 4 of the City of Port Hueneme 2015 General Plan Land Use Element calling for the "Fair Share" payment for use of City services and facilities.

3. BE IT FURTHER RESOLVED that considering the local climate, predominant wind direction and strength, proximity to existing residential development, configuration of the Project site, and design objectives of the City, future passive and natural heating or cooling opportunities are provided, to the extent feasible, without reducing Project density.

E. Coastal Act Findings

BE IT FURTHER RESOLVED that the California Coastal Act is intended to protect natural and scenic resources; promote the public safety, health, and welfare; and protect public and private property, wildlife, marine fisheries, other ocean resources, and the natural environment and that California Coastal Commission Regulations establish the standards by which proposed land developments or other activities are evaluated to ensure consistency with the Act. Following are evaluations of the proposed Project with respect to relevant policies of Chapter 3 of the Coastal Act. On the basis of evidence presented below, the proposed Project is deemed fully consistent with and furthers the objectives of the California Coastal Act of 1976:

1. SHORELINE ACCESS

a.1. Coastal Act Sections 30210 and 30211: Maximum access and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from over use. Development shall not interfere with the public's right of access to the sea.

a.2. Consistency Statement: The amendment area is located Approximately $\frac{1}{4}$ mile north from Hueneme Beach and is separated from the first public road paralleling the ocean by two existing condominium and townhome developments totaling 369 units (Surfside II and Surfside III). The proposed inland re-designation of land use and subsequent residential development will not change existing pedestrian or vehicular patterns nor affect coastal access. Nearby wetlands and sensitive habitat areas located in Ormond Beach are not readily accessible insofar as the Ventura County Watershed Protection District's "J" Street Drain serves as a physical barrier. The "J" Street Drain is over seventy feet (70') in width and encompasses an uncovered trapezoidal concrete lined and fenced flood control canal that is located continuously along the eastern side of the amendment area ending at the ocean.

2. VISITOR SERVING AND RECREATION FACILITIES

a.1. Coastal Act Sections 30212.5, 30213, and 30220: Wherever appropriate and feasible, public facilities, including parking, shall be distributed throughout an area to mitigate against the impacts of overuse of any single area. Lower-cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Developments providing public recreational opportunities are preferred. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

a.2. Consistency Statement: The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and is not suited for development of water-oriented recreational activities. Additional incremental demand for recreational facilities resulting from the land use re-designation will be offset by annexation into an existing Drainage Assessment District operated by the City. Funds derived from the Assessment District are used, in part, to operate and maintain the nearby Bubbling Springs Recreational Corridor that connects three public parks and provides public access to Hueneme Beach Park. In addition, within the amendment area located north of the Ventura County Railroad it is proposed to create an open landscaped park with Native American (Chumash) visitor plaza on approximately $\frac{1}{2}$ -acre of land fronting Hueneme Road, which is proposed to be donated to the City as a public facility.

In the area located south of the Ventura County Railroad it is proposed to create a common area pool, spa, and clubhouse facility.

3. WATER ORIENTED RECREATION

a.1. Coastal Act Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development, unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

a.2. Consistency Statement: Not applicable. The amendment area is located approximately ¼ mile north from Hueneme Beach and is separated from the first public road paralleling the ocean by two existing condominium and townhome developments totaling 369 units (Surfside II and Surfside III).

b.1. Coastal Act Section 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

b.2. Consistency Statement: Not applicable. The re-designation from industrial to residential land use does not change the priority placed on coastal recreation. However, the amendment area does not encompass oceanfront land and is not suited for water-oriented recreation regardless of what land use designation applies.

4. WATER AND MARINE RESOURCES

a.1. Coastal Act Section 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and will not impact marine resources. Indirect impacts from surface water drainage will be treated and discharged in accordance with operative regulations and statutes under the National Pollution Discharge Elimination System (NPDES).

b.1. Coastal Act Section 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

b.2. Consistency Statement: The re-designation of land use from industrial to residential will not change the requirement to mitigate off-site water quality impacts. Surface water drainage from new development, regardless of use, will be treated and discharged in accordance with operative regulations and statutes under the National Pollution Discharge Elimination System (NPDES).

c.1. Coastal Act Section 30236: Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to: necessary water supply projects, flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or developments where the primary function is the improvement of fish and wildlife habitat.

c.2. Consistency Statement: Not applicable. No rivers or streams flow through the amendment area. As such, the re-designation of land use and subsequent residential development will not entail channelization, dams, or other substantial alteration of surface water features.

5. DIKING, DREDEING, FILLING AND SHORELINE STRUCTURES

a.1. Coast Act Section 30233(a): The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and subsequent development (regardless of use) will not entail diking, filling, or dredging of open coastal waters, wetlands, estuaries, or lakes.

b.1. Coast Act Section 30233(b): Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats.

b.2. Consistency Statement: Not Applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and subsequent development (regardless of use) will not entail dredging and spoils disposal in coastal waters, wetlands, estuaries, or lakes.

6. COMMERCIAL FISHING, AND RECREATION BOATING

a.1. Coastal Act Section 30224: Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

a.2. Consistency Statement: Not applicable. The re-designation from industrial to residential land use does not change the priority placed on recreation boating and similar water-dependent land uses. Moreover, the amendment area does not encompass oceanfront or harbor land and current LCP policy expressly precludes coastal-dependent industry from locating there.

b.1. Coastal Act Section 30234: Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demands for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

b.2. Consistency Statement: Not applicable. The re-designation from industrial to residential land use does not change the priority placed on commercial fishing and similar water-dependent land uses. Moreover, the amendment area does not encompass oceanfront or harbor land and current LCP policy expressly precludes coastal-dependent industry from locating there.

c.1. Coastal Act Section 30255: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland.

c.2. Consistency Statement: Not applicable. The amendment area does not encompass oceanfront or harbor land and current LCP policy expressly precludes coastal-dependent industry from locating there.

7. SHORELINE STRUCTURES

a.1. Coastal Act Section 30235: Revetments, breakwaters, groins, harbor channels, seawalls, cliff-retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

a.2. Consistency Statement: Not Applicable. The amendment area constitutes an "in-fill" site, located inland within an existing urbanized area, and subsequent development (regardless of use) will not necessitate revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, or other such construction that alters natural shoreline processes.

8. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

a.1. Coastal Act Section 30240(a): Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

a.2. Consistency Statement: The amendment area constitutes an "in-fill" site, located within an existing urbanized area that according to the Project's FEIR is devoid of native habitats or special status species or other significant biological resources. Nearby wetlands and sensitive habitat areas located down coast in Ormond Beach are not readily accessible insofar as the Ventura County Watershed Protection District's "J" Street Drain serves as a physical barrier along the easterly side of the amendment area.

b.1. Coastal Act Section 30240(b): Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

b.2. Consistency Statement: The amendment area constitutes a "in-fill" site, located within an existing urbanized area. With regard to being adjacent to parks and recreation areas, development of residential use resulting from the LCP amendment will be accompanied with annexation into an existing Drainage Assessment District operated by the City. Funds derived from the Assessment District are used, in part, to maintain the nearby Bubbling Springs

Creek that drains into sensitive wetlands at Ormond Beach adjacent to the east end of Hueneme Beach Park.

9. AGRICULTURE

a.1. Coastal Act Section 30241: The maximum amount of prime agricultural land shall be maintained in production, and conflicts between agricultural and urban land uses shall be minimized. Stable boundaries shall be established separating urban and rural areas. Conversion of agricultural lands shall be limited to areas where the viability of existing agricultural use is already severely limited by conflicts with urban uses, and where the conversion would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and is not presently used for farming operations nor does its size make a viable candidate for agriculture as an alternative use.

10. SOILS RESOURCES

a.1. Coastal Act Section 30243: The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

a.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, and is not presently used for timberlands production.

11. ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES

a.1. Coastal Act Section 30244: Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

a.2. Consistency Statement: Archaeological surveys performed within one mile of the amendment area indicate the potential for significant archaeological or historic resources. Development of the site, regardless of use, will be accompanied with permit conditions that protect resource values. In the event archaeological remains are encountered during grading or site excavation, work shall be stopped immediately or redirected until a qualified archaeologist and Native American representative are retained to evaluate the significance of the find. Work shall not recommence in the area until suitable measures have

been devised in consultation with City, archeological, Native American and State Historic Preservation Office representatives for archiving significant artifacts and minimizing further disturbances. The Project proposes to avoid the intact portion of a prehistoric archeological site (CA-VEN-622) that extends across the northwestern corner of the 10-acre site.

12. LOCATING AND PLANNING NEW DEVELOPMENT

a.1. Coastal Act Section 30250(a): New development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing development areas able to accommodate it, in other areas with adequate public services and where it will have significant adverse effects, either individually or cumulatively on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

a.2. Consistency Statement: The amendment area constitutes an "in-fill" site, located within an existing urbanized area, where existing services and infrastructure are readily available. Subsequent development, regardless of use, will not entail land division within an area where less than 50% of the surrounding parcels are undeveloped. The amendment area encompasses land that is either presently developed or has been designated for urban (industrial) use in the current General Plan and LCP. Baseline impacts from existing use and prospective development have already been factored into the City's assessment of infrastructure and public service. Appropriate mitigation in the form of site-specific improvements and impact fees will be imposed at the time of development.

b.1. Coastal Act Section 30252: The location and amount of new development should maintain and enhance public access to the coast by:

- (i) facilitating the provision of extension of transit service,
- (ii) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads,
- (iii) providing non-automobile circulation within the development,
- (iv) providing adequate parking facilities or providing substitute means of serving the development with public transportation,
- (v) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by
- (vi) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

b.2. Consistency Statement: Existing transit stops are readily available to the urban in-fill amendment area within 300 feet to the north and west on Hueneme Road and Surfside Drive. Neighborhood convenience commercial is similarly located, while community shopping is available within two miles. Pedestrian circulation internal to new development will be accomplished by means of public and private streets; sidewalks and pedestrian paths within the amendment area north of the Ventura County Railroad will daylight to Hueneme Road and Surfside Drive, while development south of the railroad will daylight to Industrial Drive (which connects to Surfside Drive). All new residential development will be required to satisfy its resident and visitor parking needs on-site within the amendment area in compliance with established zoning standards. Additional incremental demand for recreational facilities resulting from the land use re-designation will be offset through payment of development impact fees and annexation into an existing Drainage Assessment District operated by the City. In addition, development within the amendment area located south of the Ventura County Railroad will include a recreation pool, and spa for residents. Development within the amendment area located north of the Ventura County Railroad will provide an open landscaped park with Native American (Chumash) visitor plaza on approximately ½-acre of land fronting Hueneme Road, which will be donated to the City as a public facility.

c.1. Coastal Act Section 30253: New development shall:

- (i) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development, and
- (ii) Minimize energy consumption and vehicle miles traveled.

c.2. Consistency Statement: The amendment area constitutes an "in-fill" site, located within an existing urbanized area. The proposed land use re-designation will foster logical buildout of an existing developed area, and in so doing, result in more efficient utilization of land and energy resources. All subsequent development, regardless of use, must adhere to the requirements of the Ventura County Air Quality Management Plan. According to the 2001 Jobs/Housing Balance report published by the Southern California Association of Governments, the City of Port Hueneme is considered "jobs-rich" (2.70 jobs per household). Development of additional housing is assumed to be beneficial to reduce the City's significant imbalance between employment (Navy base and Port) and housing thereby reducing vehicle miles traveled by providing more opportunities for employees who must now commute to live near their workplace.

13. COASTAL VISUAL RESOURCES AND SPECIAL COMMUNITIES

a.1. Coastal Act Section 30251: The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views

to and along the ocean and scenic areas, such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government, and shall be subordinate to the character of its setting.

a.2. Consistency Statement. The amendment area consists of vacant and partially developed land, situated within an existing urbanized area, and is devoid of significant surface features that might otherwise be considered as possessing scenic or visual qualities. The amendment area is located approximately ¼ mile north from the shoreline and is separated from the first public road paralleling the ocean by existing two and three story condominium and townhome developments totaling 369 units (Surfside II and III). Consequently, public views from within the amendment area (and from adjacent public streets) are obscured by the presence of existing two and three story buildings and will be unaffected by subsequent development. All future development within the amendment area, regardless of use, shall: (i) be subject to design review as part of the City's entitlement permit process; and (ii) adhere to zoning regulations as to height, bulk, size and related aesthetic parameters.

b.1. Coastal Act Section 30253: New development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

b.2. Consistency Statement: Not applicable. The amendment area constitutes an "in-fill" site, located within an existing urbanized area, where the predominate existing land use is storage, office, and light industrial. Consequently, the amendment area is not situated within or adjacent to special communities or neighborhoods that serve as popular visitor destination points for recreational uses.

14. HAZARD AREAS

a.1. Coastal Act Section 30253: New development shall:

(i) minimize risks to life and property in areas of high geologic, flood, and fire hazard; and,

(ii) assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

a.2. Consistency Statement: The amendment area consists of relatively flat land located over a ¼ mile from the shoreline and is not located within a high flood or fire hazard area and is devoid of significant surface features that might otherwise be altered by subsequent development. However, the entire Coastal Zone in Port Hueneme is located within a seismically active

region and could expose new development to ground-shaking, liquefaction, soil settlement and fault rupture. All subsequent development, regardless of use, shall: (i) be designed to earthquake standards of the California Building Code Seismic Zone 4; and (ii) embody grading/drainage and erosion control plans to minimize erosion.

15. PUBLIC WORKS

a.1. Coastal Act 30254: New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division of the Coastal Act. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state or nation, public recreation, commercial recreation and visitor-serving land uses shall not be precluded by other development.

a.2. Consistency Statement: The amendment area constitutes an "in-fill" site, located within an existing urbanized area, where existing services and infrastructure are readily available. The amendment area encompasses land that is either presently developed or has been designated for urban use in the current General Plan. Baseline impacts from development of the amendment area have already been factored into the City's assessment of infrastructure and public service. Appropriate mitigation in the form of site-specific improvements and impact fees will be imposed at the time of development.

16. INDUSTRIAL DEVELOPMENT AND ENERGY FACILITIES

a.1. Coastal Act Sections 30255 and 30260: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division of the Coastal Act.

a.2. Consistency Statement: The amendment area does not encompass oceanfront land and current LCP policy expressly precludes coastal-dependent industry from locating there. While several current or past industrial tenants within the amendment area are/were coastal-related (i.e., Hueneme Boat Works and Waggoner Trucking), their existence is not dependent upon ocean proximity. Since 1984, coastal dependent and related land uses have been redirected and accommodated at locations more proximate to the Port of Hueneme. In this regard, overall acreage available to accommodate priority industrial uses within the City has grown from 88 acres in 1984 to 122 acres in 2002 (recent reuse of the former Naval Civil Engineering Laboratory and Sunkist Site in particular via Port Master Plan Amendments Nos. 5 and 6). In addition, harbor-related tenants currently out-lease approximately 140 acres from the

abutting Navy Base and approximately 435 acres of additional Navy land is potentially available for such purposes under the 1983 Agreement between the City and Harbor District. In addition, the current LCP designates the City's "ABC" street area (located between Ponomo and San Pedro Streets) as a "Transitional Residential Coastal Related Industry" zone, which permissively allows harbor-related storage/warehousing, office, and research uses abutting the port/Navy Base on approximately 8.15 acres. Lastly, the Oxnard Harbor District advises that the Port of Hueneme Port Master Plan, that currently designates Parcel 1 for "Petroleum Products" and is currently occupied by the Southern California Edison petroleum tank farm, will soon be amended to allow expansion for additional autos/general cargo on approximately 5-acres of land at the port.

17. HOUSING

a.1. Government Code Section 65590(d) (paraphrased): New housing developments constructed within the coastal zone shall, where feasible, provide housing units for persons and families of low or moderate income. Such housing shall be provided on-site as part of each project, or if not if feasible to do so, or at another location within the same city or county, either within the coastal zone or within three miles thereof. In order to assist in providing new housing units, each local government shall offer density bonuses or other incentives, including, but not limited to, modification of zoning and subdivision requirements, accelerated processing of required applications, and the waiver of appropriate fees.

a.2. Consistency Statement: Residential development resulting from the proposed re-designation of land use within the amendment area will be subject to inclusionary housing requirements codified in Chapter 6, Article X of the Port Hueneme Municipal Code. Under these local regulations, a minimum of twenty-five percent (25%) of all newly constructed or converted housing involving 10 or more dwellings must be made exclusively available to persons of low or moderate income. Residential development within the amendment area will be required to satisfy this inclusionary requirement by one of three means: (i) onsite as part of each new project; (ii) off-site elsewhere within the Coastal Zone; or (iii) payment of in-lieu fees to defray the costs associated with housing assistance programs administered by the City. In addition to this inclusionary requirement, the residential development will provide nine new townhomes for workforce rental housing.

18. BE IT FURTHER RESOLVED That the above Coastal Act policy analysis is limited to sections of the California Coastal Act applicable to the City of Port Hueneme as set forth in its certified Local Coastal Program commencing on page 7.

19. BE IT FURTHER RESOLVED that the Coastal Act defines "coastal-dependent development or use" as: "any development or use which

requires a site on, or adjacent to, the sea to be able to function at all", and given this definition of "coastal-dependent," the term "coastal-dependent industry" is therefore industrial development which requires water adjacency.

20. BE IT FURTHER RESOLVED that housing policies for coastal areas are now codified in the California Government Code Article 10.7, Section 65590 and as a result, the Local Coastal Program does not discuss coastal housing issues but are included for purposes of this policy analysis.

F. LCP Amendment Findings

1. BE IT FURTHER RESOLVED that the proposed Project's relationship to and effect on other sections of the City's previously certified LCP are as follows:

a. A land use boundary change is proposed for the Project, which would reclassify the amendment area from its existing "Industrial" designation to "Low Density Residential" for the approximate 10 acres situated north of the Ventura County Railroad and to "Medium Density Residential" for the approximate 6.8 acres situated south of the railroad. A corresponding zone change is concurrently proposed which would reclassify the amendment area from its existing "M-1: Light Industrial" classification to "R-1: Single Family" for the property located north of the Ventura County Railroad and to "R-2: Limited Multifamily" for the property located south of the railroad (both with Planned Development overlay classifications).

b. Changes to the LCP narrative and policies for geographic sub-area "C" in Port Hueneme (Surfside Industrial) are proposed to reflect that coastal dependent and related land uses have been redirected and accommodated at locations more proximate to the port and that residential development may be allowed on remaining vacant and underutilized land in sub-area C.

c. Changes to the narrative under the City's LCP Implementing Programs are proposed to better identify and describe assorted agreements between the City and the Oxnard Harbor District regarding past and future expansion of the port.

2. BE IT FURTHER RESOLVED that as prescribed in the record, public review, environmental, and LCP findings in Article II and conditions of approval in Article III of this Resolution, the proposed Project is consistent with and furthers the objectives and policies of the City's General Plan, Zoning Ordinance, and Local Coastal Program and provides for the orderly growth, development, and use of properties and activities in the City of Port Hueneme.

ARTICLE III - PROJECT APPROVALS

A. Boundary Change Application Nos. PHBC-790 and PHBC-793

BE IT FURTHER RESOLVED that based upon the City Council's approval and adoption of the Project's FEIR, the City Council of the City of Port Hueneme does hereby approve Boundary Change Application Nos. PHBC-790 for the single-family and PHBC-793 for the townhome communities of the Project encompassing revisions of the General Plan Land Use Map and Zoning Map as illustrated in **Exhibit "A"** attached hereto; and further approves and recommends Coastal Commission approval of the Local Coastal Program and General Plan text amendments consisting of those exact revisions as set forth in **Exhibit "B"** attached hereto;

B. Tentative Tract Map Application Nos. PH-791 and PH-794

BE IT FURTHER RESOLVED that based upon the City Council's approval and adoption of the Project's FEIR, the City Council of the City of Port Hueneme hereby grants and approves Tentative Tract Map Application Nos. PH-791 for the single-family and PH-794 for the townhome communities of the Project ("Map" or "Maps") subject to the following conditions:

1. That the Maps are granted to the Permittee for the area, size, location, and configuration of the Project as described in the Application and attachments thereto, and as shown in Tentative Tract Map No. 5451 and 5452, prepared by Jensen Design & Survey, Inc., accompanying the Staff Report, except or unless indicated otherwise herein. The terms and conditions of these Maps shall be perpetual and all future owners and predecessors in interest to fee title of the subject property shall be bound hereunder.

2. That the land to which these Maps pertains shall be developed in accordance with and pursuant to the respective Planned Development Permit Nos. PHPD-792 (single-family community) and PHPD-795 (townhome community) approved concurrent herewith including the provision that all utilities servicing the Project site be placed underground.

3. That prior to recordation, the Maps shall be reviewed and approved by the Ventura County Surveyor and the City's Directors of Public Works and Community Development, each of whom shall have the authority to make minor corrections and amendments as deemed necessary and appropriate consistent with the California Subdivision Map Act and the City's Municipal Code. Thereafter, Final Tract Maps ("Final Maps"), prepared in accordance with the Subdivision Map Act and Article IX of the City's Municipal Code, as amended, shall be submitted to the City for City Council ratification. Said Final Maps shall provide for development of each subdivision in a single consecutive build out

plan or in distinct phases as approved by the City's Directors of Public Works and Community Development. The Project's on-site roadways and drives shall be labeled "Private Drives" and where required "Fire Lane" on the Final Maps. A preliminary subdivision map guarantee is required to be submitted by the Permittee with the Final Map for plan check in a form approved by the City's Public Works Director with a final subdivision map guarantee required prior to Final Map approval by the City.

4. That concurrent with preparation and submittal of the Final Maps for each subdivision, the Permittee shall prepare and submit to the City's Directors of Community Development and Public Works for review and approval prior to recordation, each subdivision's Public Report; Articles of Incorporation; Bylaws; and Covenants, Conditions, and Restrictions ("CC&R's") to establish a separate common-interest development and homeowners association for each subdivision delineating architectural controls and responsibilities for maintenance of all exterior landscaping, street, parking, and similar site improvements located outside of private residence and patio or rear yard areas and all other common areas of each subdivision. Said CC&R's shall be prepared by the Permittee and recorded prior to sale or occupancy of any dwelling within the subdivisions and shall incorporate occupancy standards. In addition, as part of the CC&R's, the City shall be named as a third party beneficiary with voluntary powers of enforcement in the event of either the Permittee or homeowners association fails to abide by the terms and provisions thereof. The CC&R's shall disclose that each subdivision is subject to all of the terms and conditions prescribed by each subdivision's corresponding Planned Development Permits issued by the City and that the streets within each subdivision are substandard in size with respect to those standards which apply to the City's public rights-of-way and, as such, the streets will not be accepted for dedication to the City. With respect to said common areas or easements, each homeowners association shall have the exclusive right, responsibility, and obligation to maintain at its expense in a continuous state of good repair and condition, all private streets, site lighting, all landscaping and irrigation located outside of private patio areas and exclusive use areas/yards, and all perimeter screen walls/fencing, project signs, all driving surfaces within the Project, and all other common area improvements including off-site improvements, if any, keeping these areas free of all weeds, trash, rubbish, graffiti and debris. The CC&R's shall include a disclosure that the Homeowners Associations are responsible for all on-site portions of the Project's storm drain systems. Furthermore, any and all modifications proposed to the exterior of any building, lot, or common area as originally constructed at the subdivision by the Permittee shall be subject to the homeowners association's architectural review and prior written approval. Following homeowners association approval and prior to issuance of Building or other required City permits for any such modification, application shall first be submitted to and approved by the City as a Planned Development Permit amendment pursuant to the provisions of Section 10352(H) of the City's Municipal Code or successor code.

5. That all subdivision dwellings shall be constructed in conformity with the State of California Noise Insulation Standards as specified in Title 25, Chapter 1, Subchapter 1, Article 4, Section 1092 of the California Code of Regulations, as amended from time to time. Prior to Final Map approval, the Permittee shall provide the City a Will Serve Letter stating that the Community Antenna Television Service (CATV) will be provided to the Project.

6. That the Maps are subject to the granting and recordation of easements as are deemed necessary by the City's Public Works and Utility Services Directors to implement that which is depicted on the Map and/or conditions prescribed in Article III, Paragraphs B and C of this Resolution. In this regard, the Permittee shall grant the City and other public utilities non-exclusive easements for access, installation, and maintenance of public infrastructure and utilities that must exist or that are planned to traverse the Project subdivisions. Said easement shall be dedicated prior to Final Map approval. Tentative Tract Map approval made herein is subject to the Permittee securing, at its sole expense, sufficient title or interest in land, not owned in fee by the Permittee/City or consisting of City right-of-way, to permit planned offsite Project improvements to be made. The Permittee shall grant a non-exclusive easement to the City along the Industrial Avenue and East Port Hueneme Road street frontages in a width to be determined by the City's Public Works Director adequate for the City to install and maintain or change signage, striping, and other traffic control devices or to provide street improvement work to include the Project vehicle entries as deemed necessary by the City's Public Works Director giving the City the right but not the obligation to install, maintain, and improve traffic control devices, features, and street improvements.

7. That prior to recordation of the Final Maps, the Permittee shall pay all fees in the amounts then prescribed by ordinance, resolution, statute or other such instrument of law which apply to these subdivisions, except and unless otherwise waived or modified by the City. The Permittee shall reimburse the City for its direct costs in providing review and approval of the Project Final Maps, civil improvement plans, CC&R's, and construction inspections. The Project's civil improvements shall include street, water, storm drain, and wastewater improvement plans.

8. That the structural sections and cross-sections of all driveways and streets of the subdivision shall meet the requirements of the City's Director of Public Works. All drainage within, entering, discharging, or otherwise traversing across the Project subdivisions shall be conveyed to acceptable points of treatment and discharge to the satisfaction of the City's Public Works Director including off-site drainage improvements deemed necessary to accommodate surface drainage from each subdivision site consistent with the City's National Pollutant Discharge Elimination System Permit. Drainage easements shall be recorded as necessary to accomplish the foregoing.

9. That arrangements shall be made by the Permittee for abandonment of any existing utilities and easements and/or rights-of-way no longer required as well as arrangements for the dedication of the new easements and/or rights-of-way required as conditions of approval of the Maps herein and the Planned Development Permits prescribed in Article III, Paragraph C, below. Said arrangements shall include the Permittee's submittal of legal descriptions, documents, and exhibits deemed necessary by the City's Director of Public Works.

10. That a complete set of civil improvements plans for each subdivision shall be submitted to the City's Director of Public Works for review and approval prior to or concurrent with the Permittee's submittal of plans for plan check for the issuance of Project building permits to the City's Building Official. Final civil improvements plans shall be submitted to the City's Director of Public Works not later than the time each Final Map is filed for plan check pursuant to Condition No. 3, above. Prior to recordation of the Final Maps, a faithful performance bond(s) and agreement(s) for all proposed public improvements shall be filed with and approved by the City's Director of Public Works. The faithful performance bonds and agreements shall not exonerated and no Project dwelling unit released for occupancy until the improvements are completed to Public Works' reasonable satisfaction. The Permittee shall obtain an encroachment permit from the City's Public Works Director prior to any Project work occurring within the City's public rights-of-ways.

11. That at the time of conducting a survey for each Final Map associated with the Project, the Permittee, through his/her engineer or surveyor, shall set sufficient durable monuments to conform with the standards prescribed in section 8771 of the California Business and professions Code. At least one exterior boundary line for each subdivision site shall be so marked before the respective Final Map is recorded.

12. That concurrent with filing of the Final Maps with the City, the Permittee shall file with the City Engineer, a certificate from the Ventura County Assessor's Office showing that there are no liens against any part of the Project subdivision sites for any unpaid state, County, Municipal, or local taxes or special assessments collected as taxes, except taxes of special assessments not yet payable.

13. That the conditions of approval prescribed in this Resolution supersede all conflicting notations, specifications, dimensions, or typical sections which may be shown on the Tentative Tract Maps.

14. That approval of these Maps shall expire in twenty-four (24) months from the effective date of this resolution. An extension of time may be granted prior to the end of said 24-months by the City's Director of Community

Development for a period not to exceed forty-eight (48) months from the effective date of adoption of this Resolution.

15. That pursuant to section 66440 of the Subdivision Map Act, the nine townhome units depicted on Tentative Tract Map No. 5451 and the park depicted on Tentative Tract Map No. 5452 that are offered by the Permittee for ownership and public use by the City as depicted in Exhibit "F" of this Resolution will be accepted by the City upon recording of the Final Map for purposes of complying with CEQA provisions and the City's inclusionary housing requirements.

16. That the Permittee shall not grant or record easements within areas proposed to be granted, dedicated, or offered for dedication for public street, access, building restrictions, or other easements until after the Final Map is filed with the Ventura County Recorder, unless such easements are subordinated to the proposed grant or dedication. If easements are granted after the date of Tentative Map Approval granted herein, subordination must be executed by the easement holder prior to the filing of the Final Map.

17. That the Permittee shall defend, indemnify and hold harmless the City of Port Hueneme and its elected and appointed officials, employees, and agents in any action brought by a third party which in any way seeks to challenge, modify, or void the Project.

C. Planned Development Permit Application Nos. PHPD-792 and PHPD-795

BE IT FURTHER RESOLVED that based upon the City Council's approval and adoption of the Project's FEIR, the City Council of the City of Port Hueneme hereby grants and approves Planned Development Permit Nos. PHPD-792 for the single-family and PHPD-795 for the townhome communities of the Project ("Permit" or "Permits") and approves the Local Coastal Program and General Plan text amendments consisting of those exact revisions as set forth in Exhibit "B" attached hereto subject to the following conditions:

1. That the Permit is granted to the Permittee for the area and use as described in the Application and attachments thereto, and as shown in the Preliminary Development Plans accompanying the Staff Report and, by this reference, incorporated herein. The terms and conditions of these Permits shall be perpetual and all future owners and predecessors in interest to fee title of the Project property shall be bound hereunder.

2. That the location and development of all structures, streets, driveways, parking areas, landscaping, fencing, lighting, utilities and other such facilities and features shall be substantially as shown in all the Preliminary Development plans accompanying the Staff Report, except or unless indicated otherwise herein. The architecture, color, texture and physical composition of all

exterior building surfaces shall substantially conform to the elevations depicted as attachments to the Staff Report, or as amended herein. Any mechanical and/or electrical equipment, including solar collector panels, satellite dish antennas, receiving and/or transmitting antennas on the roof of any structure or "pad" mounted on the site shall be appropriately screened from public view in a manner acceptable to the City's Director of Community Development or as otherwise governed by the provisions of Section 10203(H) of the Port Hueneme Municipal Code.

3. That conditional approval of these Permits shall expire in twenty-four (24) months from the effective date of this City Council Resolution unless substantial use is inaugurated or substantial construction commenced. In this regard, the term "substantial" shall mean the foundations framed for the model homes in each community subdivision. An extension of time may be granted prior to the end of said 24-months by the City's Director of Community Development for a period not to exceed forty-eight (48) months from the effective date of adoption of this Resolution.

4. That the Permittee shall provide for development of each subdivision in a single consecutive build out plan or in distinct phases as approved by the City's Directors of Public Works and Community Development with the following stipulations:

(a) That the entire scope of on and off-site improvements deemed necessary by the City's Directors of Public Works and Community Development to appropriately serve each dwelling pursuant to generally accepted engineering and building standards and the City's Standard Construction Specifications and Details shall be completed by the Permittee requisite to release of occupancy of each residential unit unless otherwise approved by the City as a modification to the this Permit pursuant to Municipal Code Section 10352(H). The Permittee shall also deliver to the City a surety performance bond in an amount equal to the estimated cost of providing civil improvements deemed necessary by the City's Public Works Director to make the development function, which bond, shall guarantee that in the event that subsequent Project Phase(s) are not commenced prior to expiration of the development permit approved herein, that all necessary civil improvements shall be installed. Until such time that all phases are developed, the Project site shall be maintained in a continuous state of good repair and condition, free of rubbish, trash, debris and weeds by the Permittee. No stockpiling of fill or material of any kind shall be allowed on any undeveloped portion of the Project site unless prior written approval is granted by the City's Director of Public Works. In addition, the Permittee shall be responsible for maintaining a six-foot high chain link fence in a continuous state of good repair and condition along undeveloped portions of the Project site to prevent pedestrian traffic from trespassing and cutting across the vacant lot(s).

(b) That prior to issuance of building permits for each corresponding phase of Project development, the Permittee shall pay the fees listed or described in Exhibits "C" and "D" attached hereto and, by this reference, incorporated herein, which fees correspond to the scope and cost of improvements required to mitigate identified environmental effects, apportioned according to the level of impact attributable to the Project as prescribed by the FEIR or by ordinance, resolution, or statute as amended from time to time.

5. That the following Project improvements shall be completed by the Permittee at each Project community prior to the first dwelling unit occupancy being issued for that respective community by the City's Building Official:

(a) Installation of the Project's offsite improvements including replacement or new Hueneme Road and Industrial Avenue curb, gutter and sidewalk, electroliners, and related landscaping/irrigation and street median island improvements subject to the City's Standard Construction Details and specification and approval by the Director of Public Works or a surety performance bond in an amount equal to the estimated cost of providing said improvements shall be provided by the Permittee to the City, which bond, shall guarantee that in the event that Project is not completed prior to expiration of the original term of the development permit approved herein, that said improvements shall be installed.

(b) Installation of all Project perimeter masonry walls.

(c) Installation of Wene'mu Village Park or a surety performance bond in an amount equal to the estimated cost of providing said improvement shall be provided by the Permittee to the City, which bond, shall guarantee that in the event that Project is not completed prior to expiration of the original term of the development permit approved herein, that said improvements shall be installed.

6. That to the extent practicable, all construction and demolition debris from the Project shall be recycled. This should include, but is not limited to, asphalt, concrete, metal, brick, wood, dirt/earth, and rocks. Separate container(s) shall be provided for similar materials so they can be taken to the appropriate recycling facility.

7. That the following minor clarifications or modifications to the Preliminary Development Plans accompanying the Staff Report shall be subject to further review and approval by the City's Director of Community Development and resolved in conjunction with the Permittee's preparation of detailed grading, construction, landscape, and irrigation plans and specifications for Project building permits as required herein:

- (a) Type, sizing and density of all plant materials and proposed site improvements including the following changes:
 - (i.) Provide "Blue" versus "White" Agapanthus africanus sub shrubs.
 - (ii.) Provide concrete mow strips between all turf and shrub areas.
 - (iii.) Provide alternative ground cover for Gazania 'Mitsuwa Yellow' in areas without southern exposure.
 - (iv.) Provide textured finish to all concrete walkways and stoops such as rock salt, stamps, or decorative scoring.
 - (v.) Provide wood shake concrete tile-type roofing material for townhome's. The townhome patio/courtyard fencing materials and heights shall be subject to prior review and approval by the City's Community Development Director.
 - (vi.) Add Eucalyptus Maculata as background for Industrial Avenue street trees and Podocarpus along townhome's west property line for additional screening.
 - (vii.) Add Eucalyptus ficifolia in shrub areas along railroad and "J" Street Drain for additional townhome screening. Explore easement with Watershed Protection District for trees on "J" Street Drain.
 - (viii.) Provide minimum 6 and 8-foot high brown trunks for townhome's proposed King Palms (versus 36/24" box container sizes) and consider increasing the number of palms in each cluster by a minimum of one.
 - (ix.) Provide vine(s) pockets for walls/fences that abut (within 1-3 feet) all flat work.
 - (x.) Add a coral tree to the townhome's "B" Street termination at "D" Street.
 - (xi.) Add an accent tree/palm to each single-family lot so that each lot has a minimum of one evergreen street tree and one accent tree/palm.
 - (xii.) Consider adding ivy ground cover and Melaluca quinquenervia against the Hueneme Road sound wall planter to match that existing west of the Project site.
 - (xiii.) Change the King Palms proposed along the single family pedestrian connection to Surfside Drive with minimum 8-foot brown trunk Washingtonia filifera palms to match that used across the street.

(b) Consider pulling back or notching out the single-family side yard walls facing the end of each block (5 yard ends) to add landscape planter areas.

(c) Provide Rain gutters and downspouts for all buildings.

(d) Provide concrete stoops for all exterior patio and side and rear door entries and raised panel side entry doors for single-family garages and townhome community utility cabinets. Provide a French door style slider for the townhome Plan 3 balcony.

(e) Consider providing trash pad space for the garage under the stairway of the single-family Plan 2 to accommodate the storage of two 95-gallon trashcans.

(f) Exterior wall/fencing materials shall be selected with the goal of complementing that which exists in the City's Surfside Beach neighborhood.

(g) Consider using staggered poured-in-place pavers for single-family entry walks; otherwise, provide more curvilinear front door entry walkways to street in lieu of linear sidewalks.

(h) Consider replacing all shared wood fences proposed for single-family community with masonry walls. In addition, consider extending the side walls along the pedestrian pathway connection to Surfside Drive another 40-50 feet westward to better screen the southerly abutting auto repair shop. Radius down the wall height to decorative pilasters and add a pedestrian gate with arbor at its terminus.

(i) Provide townhome community with decorative stamped concrete garage aprons with approximate 4' x 5' foot wide finger planters added between garage door openings with appropriate landscape materials (versus asphalt).

(j) Enhance off-site pedestrian sidewalk connections between The Project and Surfside Drive/Bubbling Springs Corridor/Moranda Park by installing a new pedestrian stamped concrete crossing between the townhome community gate entry and the south side of Industrial Avenue, replace the pedestrian crossing at the Industrial Avenue intersection with stamped concrete, and install a new stamped concrete pedestrian crossing from the existing Moranda Park sidewalk access ramp directly across the street to align with the new pedestrian walk from the single-family community to match that existing elsewhere on Surfside Drive to the specification and approval of the City's Public Works Director.

(k) The Permittee shall underground the townhome community's existing street front (Industrial Avenue) overhead utility lines to the first pole located west of the Project site on Industrial Avenue. Prior to completion of civil improvement plans for the Project, the Permittee will determine if the City can participate and fund the undergrounding of the remaining overhead utility lines on Industrial Avenue. Should the City be able to fund the balance, the Permittee shall design and accomplish the work pursuant to a reimbursement agreement with the City that may require provision of prevailing wages.

(l) The Permittee shall radius the outside of the Industrial Avenue turn with new pavement and curb, gutter and sidewalk to the specification and approval of the City's Public Works Director and landscape the excess area with the townhome association providing landscape and irrigation maintenance therefore. Permittee shall consider adding a second pedestrian entry gate with arbor near this radius location or the emergency access gate.

(m) The proposed 8-foot high sound wall located along Hueneme Road shall be stucco with a cap and colored to match that existing west of the project for the Surfside Village Homes and Beachport Villas Townhomes. Consideration shall be given to accentuate the curvilinear footprint of the wall to match that at the Surfside Village Homes without reducing the minimum 15 foot property line setback.

(n) Any proposed change to the distribution of the single-family community plan types and the final distribution of building elevations shall be approved by the City's Community Development Director prior to final grading plans being approved by the City.

(o) All proposed front building elevation exterior siding, shingles, and board and batten in the single-family community shall be wrapped to a point just beyond the side yard fencing or other logical window or door termination deemed appropriate by the City's Director of Community Development. In addition, the 14-15 single-family homes located on corner lots shall be considered for have their front building elevation exterior siding, shingles, and board and batten wrapped to the rear corner or beyond. All seven homes located along Hueneme Road shall be fully wrapped in exterior siding, shingles, and board and batten per the front elevation.

(p) Proposed side and rear building elevation window and door openings shall be provided with 2x stucco over foam trim surrounds with appropriate window openings also receiving 4x stucco over foam sills. Decorative shutters shall be added to selected rear and side elevation windows to match front elevation treatments.

(q) Provide all driveways in the single-family community with decorative texture and scored surface treatments in several styles.

(r) Double frame the single-family Plan1, Bedroom Two, 2nd story front gable wall to provide window opening depth.

(s) Eliminate the proposed wall along the western property line of the Wene'mu Park.

(t) Secondary access to tract 5451 shall be gated and restricted to exit only travel with the gate provided with a manual override for emergency or City utility vehicle access.

(u) The East Port Hueneme Road median hardscape, landscape, and irrigation located between Ann Avenue to "J" Street shall be replaced or upgraded as deemed necessary by the City's Public Works Director consistent with the City's established median standards.

(v) Prior to occupancy of any Project unit, or other time deem acceptable by the City's Public Works Director, the Permittee shall refurbish with a minimum of 1-1/2 inch of asphalt concrete overlay the half section of pavement on streets adjacent to the Project frontage and at all utility curbs locations servicing the Project.

Should an impasse be reached as to resolution of any or all of the matters listed herein, such matter or matters shall be submitted to the City Council for its deliberation as a Major Modification pursuant to the provisions of Section 10352(H) of the Municipal Code of the City of Port Hueneme.

8. That for each phase of development and as part of the construction plans submitted herein, detailed landscaping and irrigation plans prepared by a State licensed landscape architect shall be submitted to and approved by the Director of Community Development prior to the issuance of building permits. Said plans shall specify all planting materials and include a horticultural soils report and laboratory recommendations for all soil preparation and maintenance fertilization for all landscaped areas. Prior to issuance a building final for any dwelling depicted, all landscaping, irrigation, and thematic improvements for each corresponding phase or subphase of development shall be completed and fully installed; provided, however, that all such landscaping and/or improvements need not be fully installed if the Permittee obtains and delivers to the City a surety performance bond in an amount equal to the actual cost of completing said landscaping, which bond shall make guarantee as to completion of all landscaping within one-hundred twenty (120) days of the date said bond is delivered to the City. All landscaping which is installed pursuant to this condition shall be continuously maintained thereafter for a period of not less than six (6) months or until such time that all plant material and ground cover has been completely established. The Director of Community Development shall inspect or cause to be inspected all landscaped areas for final clearance after

such plant material and ground cover has been fully established pursuant to the foregoing. A formal written request for such inspection shall be accompanied by a certification from the Project landscape architect as to the project's conformity with approved plans and specifications together with twelve (12) month warranty on all landscaping materials.

9. That during construction, the Permittee shall adhere to all requirements as are necessary to mitigate noise impacts.

10. The Permittee shall install "no parking" and similar street signs mounted on timber poles for the Townhome community interior streets to complement the City's established street scene subject to the approval of the Director of Community Development and Public Works.

11. That exterior site lighting shall be provided so as to facilitate protection of private property and the safe pedestrian movement throughout the Project site for all access driveways/alley, parking areas and pedestrian walkways, which lighting shall be mounted on fiberglass poles with caged fixtures to complement the City's established street scene. Such lighting shall be accomplished in such a manner as to not illuminate adjacent properties or streets, which might be considered objectionable by adjacent property owners or hazardous to passing motorists. Detailed architectural plans depicting the location and type of all on-site lighting features shall be submitted to and approved by the Director of Community Development as part of the construction plans submitted herein.

12. That the Permittee shall be subject to the inclusionary housing provisions of the Port Hueneme Municipal Code Section 10704, which provides that at a minimum, twenty-five percent (25%) of the homes constructed on the Project site shall be made available to persons and families whose total income, all members inclusive, qualifies as being low or moderate income pursuant to limits of affordability established pursuant to Section 50052.5 of the California Health and Safety Code. In this regard the Permittee shall pay an in-lieu payment to defray the costs associated with affordable housing assistance programs administered by the City. In addition the Permittee shall donate fee title to not less than nine townhomes to the City for workforce rental housing. The In-lieu fee calculation shall not include the nine townhomes dedicated for affordable housing.

13. That the Permittee shall comply with all planning conditions promulgated by the Ventura County Fire Prevention District. In conjunction with submitting plans for plan check for issuance of building permits, grading and site utility plans shall be submitted to the Director of Public Works for approval as to grading and the location, type and adequacy of water and sewer lines. Prior to obtaining City building permits, the Permittee shall obtain a Ventura County Fire Department Form #126 "Requirements for Construction" for approval as to the

size, location and water flow of hydrants, which plans shall also denote the location of existing hydrants within 300 feet of the project site. All required fire hydrants shall be installed and made serviceable prior to any combustible construction and shall conform to the minimum standards of the Water Works Manual of the City of Port Hueneme, which standards include, but are not limited to, the following:

- (a) Each hydrant shall be a six-inch wet barrel design and shall have two (2) four-inch and one (1) 2-1/2-inch outlet(s);
- (b) The required fire flow shall be achieved at no less than 20 psi residual pressure;
- (c) Fire hydrants shall be spaced 300 feet on-center, and so located that no structure shall be farther than 150 feet from any one hydrant; and
- (d) Fire hydrants shall be recessed in from the curb face, 24 inches on-center.

The minimum fire flow for such hydrants shall be determined by the type of building construction, proximity to other structures, fire walls, and fire protection devices provided, as specified by the I.S.O. Guide for Determining Required Fire Flow. Given the present plans and information, the required fire flow is approximately 2,500 gallons per minute. Each individual hydrant shall have a minimum flow of 1,250 gallons per minute. The Permittee shall verify that the water purveyor can provide the required quantity at the Project site. Dwelling address numbers, at a minimum of six inches in height, shall be installed on the front of the dwellings and at the rear garages prior to building occupancy, shall be of contrasting color to the dwellings background, and shall be readily visible at night, plans for which shall be submitted to and approved by the Ventura County Bureau of Fire Prevention.

14. That the Permittee shall provide a storm water drainage plan and a storm water pollution prevention plan that incorporates the mitigation measures prescribed in the Final Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the entire Project, all phases inclusive to the Director of Public Works for review and approval prior to issuance of initial building permits for any portion of the Project to comply with the NPDES Permit No. CASO63339. Should it be determined by the Director of Public Works to be necessary to relocate any existing on-site utilities, it shall be done at Permittee's expense. All underground irrigation, water, wells, and other pipes and/or openings, that are known to exist or that may be encountered during construction, shall be removed or sealed in a manner satisfactory to the Public Works Director. All new utility facilities serving this Project shall be installed underground in easements as required by the utility companies, and approved by

the Director of Public Works. All utility lines and subconnections to this Project shall be installed before any paving is placed and all utility boxes shall be placed underground or in inconspicuous locations, screened from public view, so as not to impair the architectural quality of the Project.

15. That all parking and driveway areas designated on the site plans accompanying the Staff Report shall be surfaced with asphalt concrete or concrete, which improvements shall be subject to the City's standard specifications and details approved by the Director of Public Works. Detailed engineering plans for all street and public improvements shall be submitted to and approved by the Director of Public Works prior to issuance of building permits for corresponding phases of development.

16. That to the extent practicable, all construction and demolition debris from the Project shall be recycled. This should include, but is not limited to, asphalt, concrete, metal, brick, vegetation/brush, wood, dirt/earth, and rocks. Separate container(s) shall be provided for similar materials so they can be taken to the appropriate recycling facility.

17. That all building construction shall comply with applicable City Building Code requirements and the Permittee shall adhere to all governmental laws, ordinances and regulations governing the site's use and development. Prior to the issuance of building permits for corresponding phases of the Project, detailed construction plans, acoustical study, and energy calculations shall be submitted to and approved by the City Building Official. In addition to other construction techniques and information, which may be required, the Permittee shall submit for review and approval of the City's Building Official the Project's proposed hardboard siding specifications, warranties, or such other manufacturers product guarantees. All siding end joints shall be concealed by corner moldings; no staggered joints shall be allowed; and all hardboard siding products shall be protected from excessive moisture.

The Permittee, as deemed necessary by the City Building Official, shall employ a Deputy Inspector or a qualified Laboratory Technician for continuous inspection of said hardboard siding and metal roofs during installation. The Permittee shall make provision, where appropriate and feasible, for cost-effective energy and water conservation features. At the time of completion of each dwelling, the Permittee shall make formal written request for final City inspection, which request shall be accompanied by certification from the Project architect as to the Project's conformity with approved plans and specifications, including indication as to any deviation there from; provided, further, that the Permittee shall provide the Department of Community Development with "as-built" plans on reproducible Mylar or transparencies prior to the last building final being issued and house utilities being released for the Project.

18. That the hours of construction of this project shall be limited to weekdays from 7:00 a.m. to 5:00 p.m., and from 9:00 a.m. to 5:00 p.m. on Saturdays, unless specifically authorized in writing by the City's Chief Building Official. A temporary chain link fence, six (6) feet in height, shall be installed around the perimeter of each area under construction during the period of construction and shall be removed upon completion of all site and building improvements. The Permittee shall be responsible for actions of his/her contractors and subcontractors until such time as all public improvements have been accepted by the City. The Permittee shall designate in writing before starting work as to an authorized representative who will have complete authority to represent and to act on behalf of the Permittee. Said authorized representative or his/her designee shall be present at the work site at all times while work is actually in progress on the Project and shall make arrangements acceptable to the Chief Building Official or Director of Public Works for emergency work which may be required at such time as the Permittee's representative is not actually on the project site. Whenever the Permittee or his/her representative is not present on any particular part of the work where it may be desired to give directions, orders may be given by the Chief Building Official or Public Works Director. These orders shall be received and obeyed by the superintendent or foreman who may have charge of the particular work in reference to which the orders are given. Should the Permittee's representative or workman not be available, the City may do or have work done by others at the Permittee's expense, if, in the opinion of the Chief Building Official or Public Works Director, the work is required for the protection, health or safety of the general public.

19. That deviation from any condition, procedure or requirement listed herein shall only be allowed by written approval of the reviewing City Director or if no Director is listed by the Director of Community Development acting within his/her authority or as otherwise governed by the modification provisions of Section 10203(H) of the Municipal Code of the City of Port Hueneme.

20. That prior to issuance of building permits to any individual property owner for subsequent exterior construction or additions not built as part of the original Project construction, plans shall be submitted for review and approval by the Director of Community Development, the design of which shall conform with the original Project construction and architecture treatment employed for the primary dwelling.

21. That no building final shall be issued for any dwelling and no house utilities released for any dwelling constructed on the site until such time that all landscaping, parking, on-site lighting and related improvements corresponding to each phase or subphase of development has been fully installed and completed to the City's satisfaction or alternative arrangements

made by the Permittee to guarantee instillation and completion to the satisfaction of the City's Community Development Director .

22. That all mitigation measures assigned to the Permittee, as contained in the Mitigation Monitoring and Reporting Program as set forth hereto as Exhibit "C", shall be accomplished by the Permittee in the manner and time frame identified.

23. That all improvements constructed on the site including, without limitation, all parking areas, landscaping, irrigation, monument and building signs, lighting and exterior building surfaces, shall be maintained by the Permittee, at the Permittee's expense, in a continuous state of good condition and repair, clean and free of rubbish, to the satisfaction of the City until close of escrow on the last unit of the Project.

24. That the Permittee shall take all actions necessary to control dust and dirt throughout the duration of construction including, without limitation, excavation, grading and material transport operations. Prior to commencement of grading and/or construction on any portion of the site, the Permittee shall develop a dust control program and submit it for review and approval by the Director of Public Works. Said program shall include provision for removal of all construction debris from public streets and gutter flow lines on a regular basis. Said program shall also make provision for dust and dirt control on all portions of the project site, all phases inclusive, prior to their actual physical development.

25. A City encroachment permit shall be obtained prior to any work on City owned property or right-of-way. A deposit, in an amount to be determined by the City's Public Works Director not to exceed \$20,000 shall accompany the encroachment permit application to ensure compliance with traffic control standards, site maintenance, and graffiti removal directives. In the event of non-compliance, the City shall have the right to perform such measures and the direct costs thereof will be deducted from said deposit. The Permittee shall also be responsible for replacement with like kind and quality of any existing features, fixtures or facilities (roads, pavement, curbing, utility, etc.) damaged by the Permittee during Project construction to the satisfaction of the City's Public Works Director.

26. That the Permittee and all subsequent occupants of the site shall comply with all applicable requirements of the State of California, County of Ventura, City of Port Hueneme and all other governmental agencies having jurisdiction over the project and/or property on which it is to be developed.

27. That the Project's underground utilities will not be accepted until affected roadways have been accepted by the City's Public Works Director. The Permittee shall be responsible for the operation and maintenance of all Project underground utilities until final acceptance.

28. That the Permittee shall defend, indemnify and hold harmless the City of Port Hueneme and its elected and appointed officials, employees, and agents in any action brought by a third party which in any way seeks to challenge, modify, or void the Project, including without limitation all decisions made by the City related thereto and the City's required LCP Amendment applications with the California Coastal Commission.

29. That pursuant to City Municipal Code Section 10005(B), the Project's proposed use of eight-foot (8') high perimeter Project site fencing is hereby approved.

30. That the Permittee shall comply with the latest California Department of Transportation manual for adequate sight distance visibility for all Project driveways and streets, which shall be shown on the Project civil plans.

31. Prior to Project wastewater plan approval or Final Map approval, whichever comes first, the Permittee shall provide a wastewater area study for approval by the City's Director of Public Works. The area study shall analyze the proposed Project sites, contributory area, and all existing development contributing wastewater to the City of Port Hueneme's wastewater system from the proposed Project to the nearest lift station. The Permittee shall provide a certification, signed by a registered engineer, stating that the existing wastewater system line(s) in the study area have will have sufficient capacity to serve the Project. The applicant shall, at its expense, mitigate any existing wastewater system condition in the study area that indicates that a line will carry more than 75 percent of its maximum capacity due to contribution from the Project.

32. Prior to Project water plan approval or Final Map approval, whichever comes first, the Permittee shall provide a water study for approval by the City's Director of Public Works. Evidence of acceptance of the study by the Ventura County Fire Department is a condition of approval by the Director of Public Works. The study shall analyze the existing City of Port Hueneme water distribution system at the proposed point of connection for the Project. The Permittee shall provide a certification, signed by a registered engineer, stating that the existing water system, at the proposed point of connection, will provide sufficient flow and pressure to satisfy the Project's domestic and fire requirements. The Permittee shall, at its expense, make all changes necessary to the existing water system to ensure that this requirement is satisfied.

33. Prior to issuance of Project building permits or Final Map approval, the Permittee shall submit a grading plan consistent with the approved site plan, to the satisfaction of the City's Director of Public Works. The Permittee's grading plan shall be based on a detailed engineering geotechnical report, which must be specifically approved by the geologist and/or soils

engineer and show all recommendations submitted by them. It must also agree with the Project's Tentative Tract Map and conditions as approved by the City.

34. The Permittee shall record a separate document, or indicate by note on the Final Map, prohibiting the future Project lot owners from interfering with the established drainage of the subdivision and from erecting concrete block walls or similar solid constructions, except as approved by the City's Director of Public Works.

35. Treatment of storm water associated with Standard Urban Storm Water Mitigation Plans shall take place within the project boundaries, and storm water treatment devices shall be owned, operated, and maintained by the Project's Homeowner's Association. The City of Port Hueneme will not accept any portion of the storm drain system upstream of a treatment device.

36. Prior to grading plan approval or Final Map approval, whichever comes first, the Permittee shall provide a storm drain study for approval by the Director of Public Works. The study shall analyze the existing City of Port Hueneme storm drain system at the proposed point of connection for the Project. The Permittee shall provide a certification, signed by a registered engineer, stating that the existing storm drain system, from proposed point of connection to the point where storm waters discharge into facilities owned, operated, and maintained by the Ventura County Watershed Protection District have sufficient capacity to convey the storm flows identified by the City's Director of Public Works. The Permittee shall, at its expense, make all changes necessary to the existing storm drain system to ensure that this requirement is satisfied.

37. That violation of any or all of the conditions of this Development Permit shall be considered a violation of the Zoning Ordinance of the City of Port Hueneme and shall constitute grounds for revocation of said Permit.

D. Effective

1. BE IT FURTHER RESOLVED that pursuant to Public Resources Code Section 30510, the City Council of the City of Port Hueneme hereby reiterates its intent to implement the Local Coastal Program and amendments thereto in a manner fully consistent with the California Coastal Act; and

2. BE IT FURTHER RESOLVED that the City Council of the City of Port Hueneme hereby adopts and declares that approval granted herein is subject to and contingent upon incorporation and completion of all environmental mitigation prescribed in the FEIR's Mitigation Monitoring and Reporting Program as set forth in Exhibit "C", attached hereto.

3. BE IT FURTHER RESOLVED that the approvals granted herein shall not become effective until the corresponding LCP and General Plan text and boundary changes to the Zoning and General Plan Land Use maps have been approved by the California Coastal Commission, and until the thirty first (31st) day after adoption of the necessary Ordinance(s) by the City Council to effect rezoning.

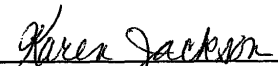
4. BE IT FURTHER RESOLVED that the 90-day appeal period in which the Permittee may protest relative to the imposition of fees, dedications, reservations, or other exactions for public facilities required by the City attached to this Resolution as Exhibit "E" as prescribed in California Government Code Section 66020(d)(1) has begun on the adoption date of this Resolution.

5. BE IT FINALLY RESOLVED that the City's Director of Community Development is hereby authorized to file documents with the California Coastal Commission and to provide such additional documents and information with appropriate governmental agencies as may be required to implement the Project and that the LCP Amendments shall take effect after approval by the California Coastal Commission and acceptance by resolution of the City Council consistent with California Code of Regulations Section 13544(a).

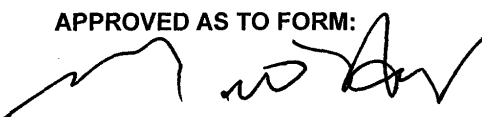
PASSED and ADOPTED this 2nd day of February, 2005.


MURRAY R. ROSENBLUTH, MAYOR

ATTEST:


KAREN JACKSON, CITY CLERK

APPROVED AS TO FORM:

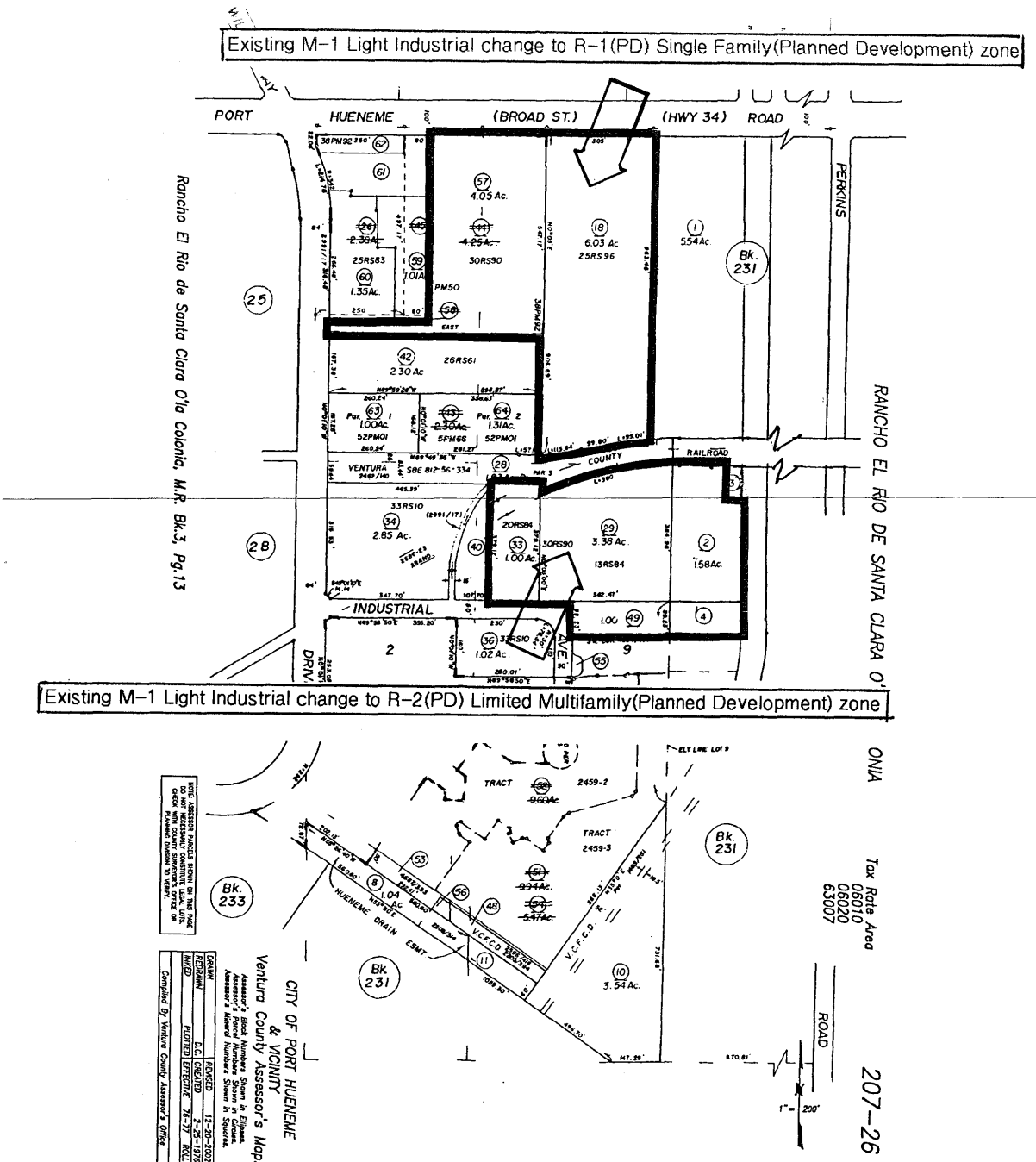

MARK D. HENSLEY, CITY ATTORNEY

APPROVED AS TO CONTENT:


ROBERT L. HUNT, CITY MANAGER

EXHIBIT "A"
(Zoning and Land Use Map Amendments)





ZONING

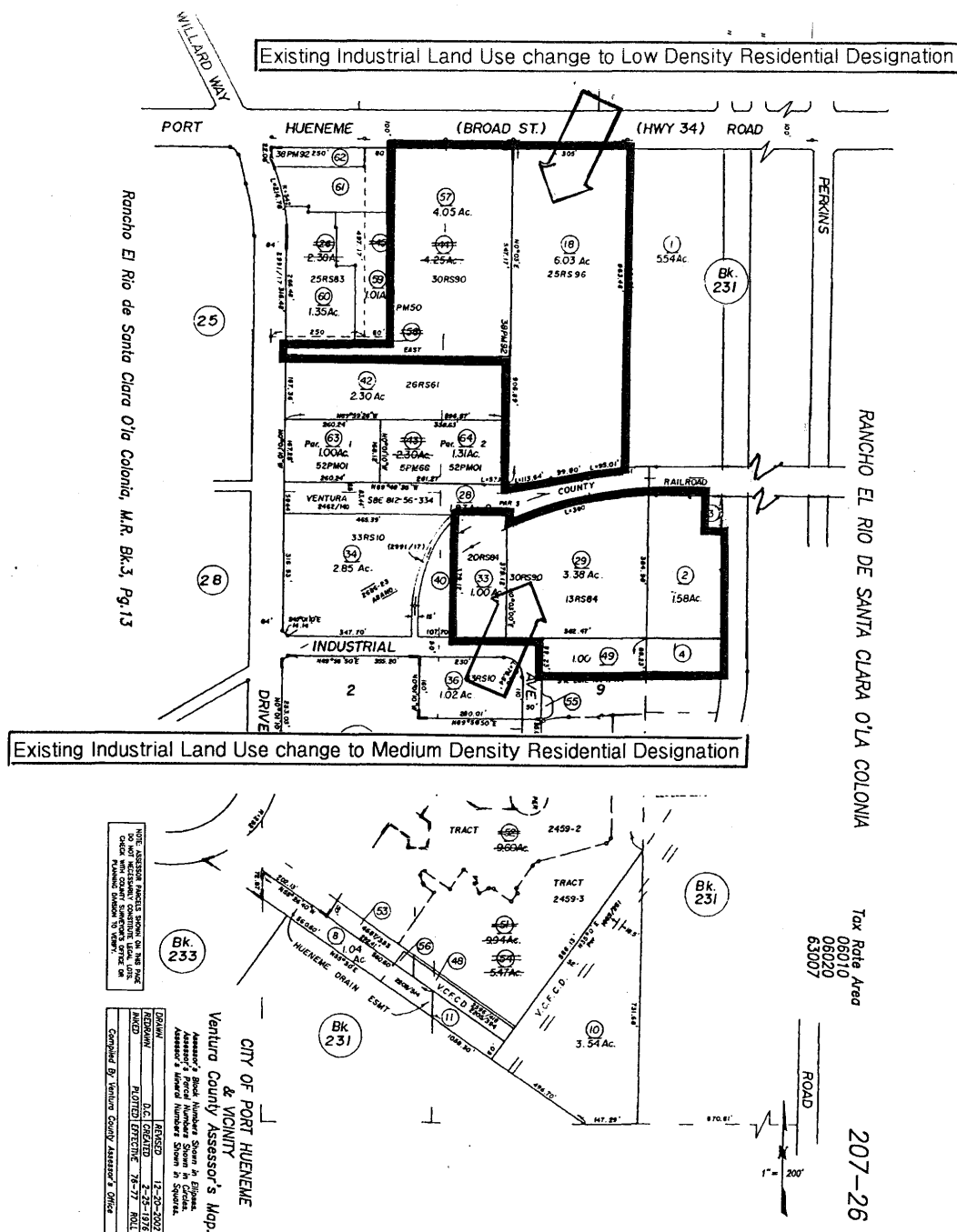


EXHIBIT "B"
(General Plan and LCP Text Revisions)

JOHN LAING HOMES PROJECT GENERAL PLAN AMENDMENT

LAND USE ELEMENT

Page 23. Revise Table LU-1 Key Development Parcels as follows:

**Table LU-1
Key Development Parcels**

Site	Area (acres)	1993 Land Use	1996 Dwelling Units	<u>Updated General Plan Land Use Policy</u>	Potential Net New Dwelling Units ¹
1	4.49	Vacant	0	Commercial	
2	2.16	Residential, Commercial	23	Mixed Use	21
3	2.16	Residential, Commercial	23	Mixed Use	18
4	2.16	Residential, Commercial	11	Mixed Use	29
5	1.08	Residential, Vacant	5	Mixed Use	13
6	0.52	Motel, Commercial	0	Commercial	
7	1.77	Retail	0	Commercial	
8	1.98	Vacant (Hospital Property)	0	Medium Density Residential	21
9	0.92	Vacant	0	Medium Density Residential	14
10	0.97	Residential	12	Medium Density Residential	2
11	5.61	Residential, Commercial	8	Commercial	-8
12	1.5	Vacant	0	High Density Residential	38
13	0.46	Residential, Commercial	2	Commercial	-2
14	.33	Residential	2	Medium Density Residential	5
15	1.47	Residential, Vacant	5	Medium Density Residential	24
16	1.88	Motel	0	Medium Density Residential	38
17	4.32	Residential, Commercial	15	Medium Density Residential	71
18	.25	Vacant Gas Station	0	Medium Density Residential	4
19	10.08	Vacant	0	Industrial <u>Low Density Residential²</u>	64
20	8.13	Industrial	0	Industrial <u>Medium Density Residential³</u>	86
21	1.02	Industrial	0	Industrial	
22	34.32	NCEL	0	Port	
23	11.00	Sunkist Site	0	Commercial-Visitor	
Total	98.58		106		288

Source: City of Port Hueneme, Cotton/Beland/Associates, April 1996

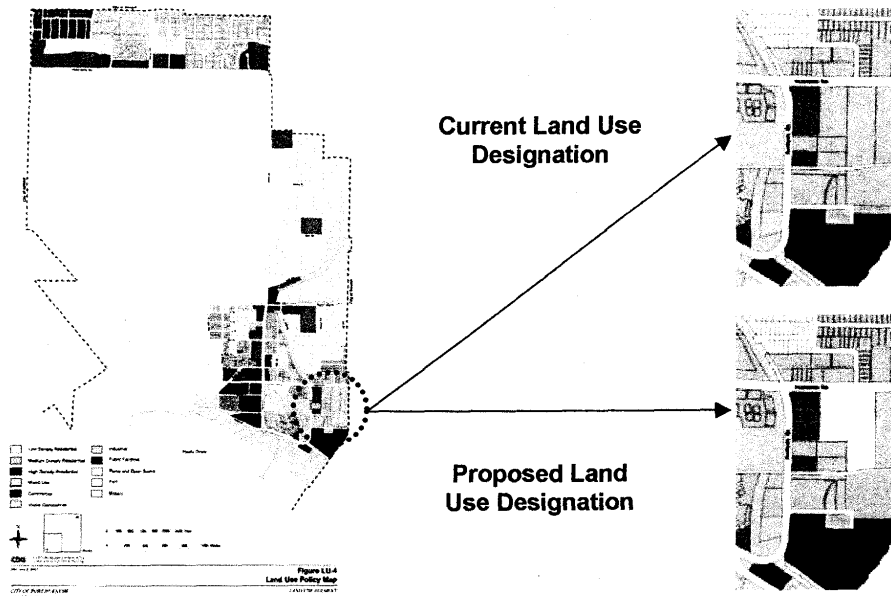
¹ Medium Density Residential, 7-15 units/acre; Mixed Use = 15-25 units/acre

² Residential forecast is derived from John Laing Homes project application dated February 2004, as amended.

³ Ibid.



Page 46. Revise Figure LU4 Land Use Policy Map as shown below:



	Low Density Residential		Industrial
	Medium Density Residential		Public Facilities
	High Density Residential		Parks and Open Space
	Mixed Use		Port
	Commercial		Military
	Visitor Commercial		

Page 57. Revise fourth paragraph to read as follows: "Land Use Policy represents the City's effort to balance housing choices and to further strengthen the retail/commercial sector in Port Hueneme. Compared to the existing condition, overall residential acreage designated development potential under the updated Land Use Policy will increase by 425-332 acres⁴, resulting from an increase in medium density residential acreage, re-designation of industrial property and reductions in low and high density residential uses. Land designated for Retail/General Commercial uses will increase by more than 50 percent and industrial acreage will be doubled primarily as a result of the development of currently vacant land. In addition, four acres of land along Pleasant Valley Road will be designated as Mixed Use."

Page 58. Revise Table LU-4 Land Use Policy Development Potential as follows:

Table LU-4
Land Use Policy Development Potential

Land Use Category	Typical FAR ⁵	Area (acres)	Dwelling Units	Nonresidential (000 sq ft)
Residential – Single Family (0-7 du/net acre)	(Note 2 ⁶)	10.080-0	64	
Residential – Medium Density (7-15 du/net acre)	(Note 2 ⁷)	44.222.33	498284	
Residential – High Density (16-25 du/net acre)	(Note 2 ⁸)	1.5	38	
Mixed Use Residential (15-25 du/acre, Comm. 0.5 FAR)	0.40	7.5	81	66
Commercial Retail (0.55 FAR)	0.25	12.9		140
Commercial Visitor (0.55 FAR) (Sunkist Site)	0.25	11.0		120
Industrial (0.75 FAR)	0.50	49.20.99		419
Port (0.75 FAR) ³	0.34	38.1		566
Open Space (D)		0.0		0
Transportation		0.0		0
Public Facilities		0.0		0
Total		104.4	347467	1,311

⁴ The increase in 336 dwellings is computed as the difference in development potential under the current and former General Plan (i.e., 438 – 106 = 332; see bottom of Table LU-1).

⁵ Typical FAR is the average intensity at which typical development is anticipated to occur. Actual development may be less or more on an individual site.

⁶ The amount of new development estimated for these uses is based on the specific characteristics of individual sites, not to exceed the maximum land use intensity identified in the General Plan.

⁷ Ibid.

⁸ Ibid.

³ The port project involves demolishing on existing structure and constructing two new structures for a net increase of 97,000 square feet.



GENERAL PLAN -- ECONOMIC DEVELOPMENT ELEMENT

Page 46. Revise Policy 2.1 and associated Actions as follows:

GOAL 2: ENCOURAGE AND ACCOMMODATE GROWTH IN INDUSTRIAL OR RELATED OFFICE ACTIVITY OVER THE NEXT TWO DECADES WHILE MAINTAINING FLEXIBILITY TO PURSUE ALTERNATIVE LAND USES AS MARKET OPPORTUNITIES PRESENT THEMSELVES.

Policy 2.1: Increase and redirect, as market conditions and land availability permits, the number of firms within the existing industrial area so that industrial uses to locations more proximate to the port so that approximately 19 acres (designated as Key Sites 19 and 20) that are currently vacant will be developed by 2010 2007.

Action 2.1.1: The City should continue ongoing collaboration with the CBC and Port District to foster and accommodate port related development, as the highest priority industrial use within the Coastal Zone, at locations and in ways that are of mutual benefit to the parties. Examples of such collaboration include the 1995 disposition of the former 34-acre NCEL for port expansion, the 2000 Memorandum of Understanding allowing for port, visitor serving and recreational use of the former 14-acre Sunkist Site and the 1983 Agreement authorizing Port District acquisition and outleasing of 600 acres on the CBC subject to Navy approval.

Action 2.1.2: The City should pursue, to the greatest extent feasible, industrial firms that generate sales tax revenue and are able to use Port Hueneme as their base for reporting tax receipts. In addition, the City should foster and accommodate port expansion at locations and in ways that enhance municipal finances as evidenced in the 1983, 1987 and 1995 revenue sharing agreements between the City and Port District. Close coordination should be maintained with the CBC and the Port District.

Action 2.1.23: The City should work closely with the CBC and Port District in pursuing pursue industrial firms that are most likely to be good corporate citizens, i.e., voluntarily complying with regulations, participating in community events and organizations, etc. Such a likelihood can be evaluated during the planning process through contact with the jurisdiction from which the firm is relocating, if applicable. Close coordination will be maintained with the CBC and the Port District.

Action 2.1.34: The City should establish a work closely with the CBC, Port District, Chamber of Commerce and other economic collaborators in marketing the City program to contact and attract new industrial firms for industrial development. This marketing program should incorporate an on-going means of evaluating the industrial climate in the nation and in the region to optimize effectiveness in relating market activity to Port Hueneme's the goals of the City, CBC and Port District.



Action 2.1.45: The City should encourage the location in the City of firms in industries |
that are not specifically targeted by the marketing program, if these firms represent job-
creation opportunities.

Action 2.1.56: The City should retain high standards regarding landscape and design |
requirements for industrial buildings.



JOHN LAING HOMES PROJECT LOCAL COASTAL PROGRAM AMENDMENT

LAND USE PROGRAM

Page 35. Revise narrative and policies relevant to Area C (Surfside Industrial) as follows:

LCP Land Use:

- . Industrial
- . Public Facilities
- . Low Density Residential
- . Medium Density Residential

Related Documents:

- . Central Community Redevelopment Project

Area C: Surfside Industrial

~~Due to its existing industrial character, low utilization, and direct road and rail access to the Port of Hueneme~~Historically, the Surfside Industrial area has been identified as an area that ~~continues to~~ be appropriate for future industrial development, including accommodating harbor-related growth. ~~However, much of this area has remained vacant or underutilized since it was initially designated for coastal-related land uses at the time of initial LCP Certification. Since 1984, coastal dependent and related land uses have been redirected and accommodated at locations more proximate to the port. In this regard, overall acreage available to accommodate priority industrial uses within the City has grown from 88 acres in 1984 to 122 acres in 2002 (reuse of the former NCEL and Sunkist Site in particular). In addition, harbor-related tenants currently out-lease approximately 140 acres from the CBC and approximately 435 acres of additional Navy land is potentially available for such purposes under the 1983 agreement between the City and Port District.~~

Inasmuch as Area C lacks immediate water adjacency, coastal-dependent uses ~~would have been~~ precluded



from locating therein. Furthermore, pre-existing development within the Surfside Industrial area, north of the Ventura County Railroad, consist predominately of low intense industrial users (i.e., self-storage, warehousing and institutional uses). Areas south of the railroad are generally more invasive (i.e., manufacturing and open storage) and create potential conflict with adjacent residential development may not, in all cases, be conducive for subsequent conversion to harbor-related use. Hence, such ~~While existing industrial development should not be precluded from continuing or being replaced by other than harbor related uses industrial and coastal related uses.~~ Therefore, coastal related land uses are encouraged to locate in this area due to road and rail access to Port Hueneme along with other industrial uses residential development of vacant and underutilized land could foster other important land use and affordable housing objectives. Within this context, therefore, the following specific development policies shall apply:

Coastal Related Industry

Due to the lack of immediate water adjacency, coastal-dependent uses shall be precluded from development locating within the Surfside Industrial area.

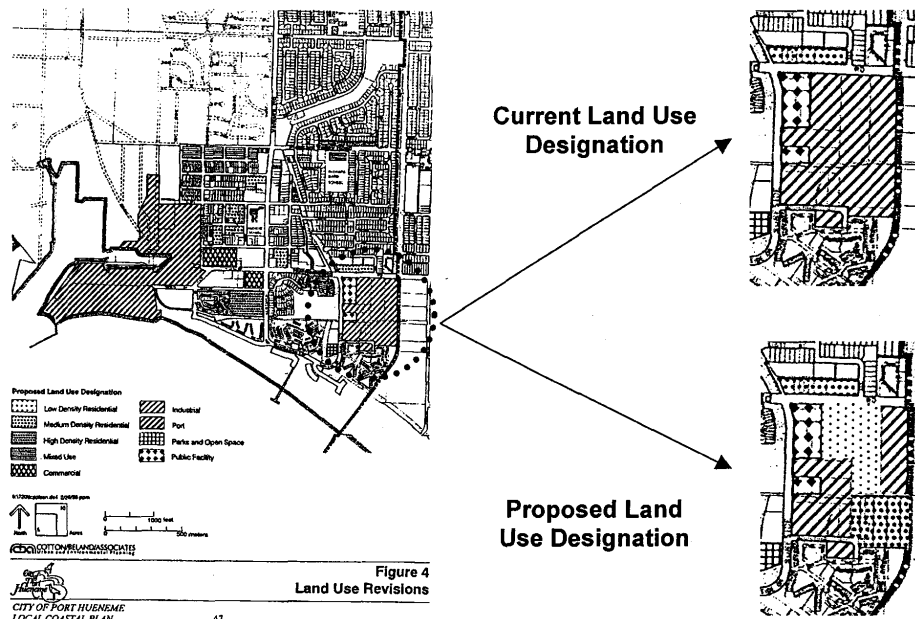
Preference shall be given to ~~development of coastal-related uses in remaining vacant land areas~~ locating on property with an industrial designation.



Residential development may be allowed on remaining vacant land provided that site specific designs and conditions of approval mitigate potential conflicts with adjacent uses.

IMPLEMENTATION

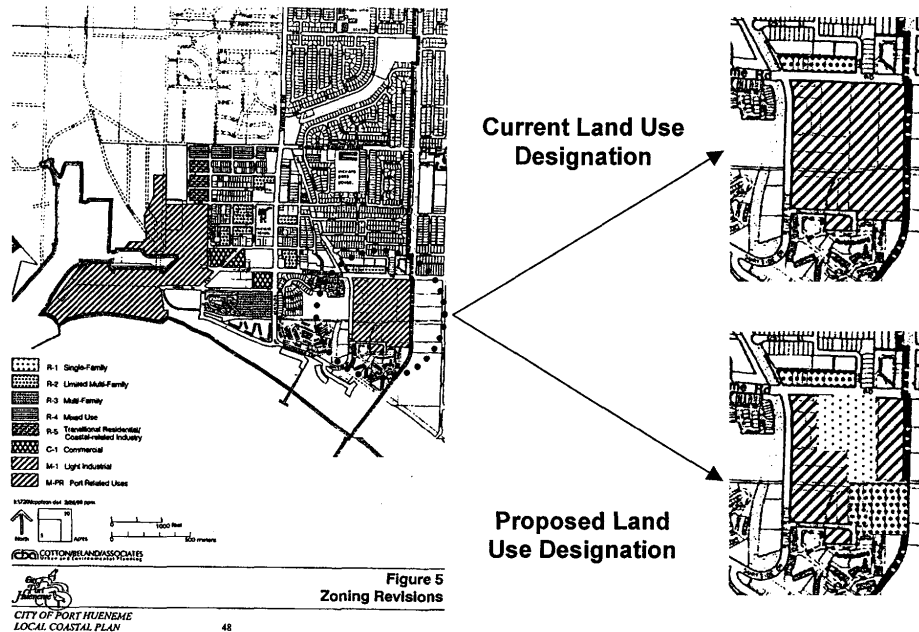
Page 47. Revise Figure LU4 Land Use Policy Map as shown below :











Proposed Land Use Designation

	Low Density Residential		Industrial
	Medium Density Residential		Port
	High Density Residential		Parks and Open Space
	Mixed Use		Public Facility
	Commercial		

Page 48. Revise Figure LU5 Zoning Map as shown below :



-  R-1 Single-Family
-  R-2 Limited Multi-Family
-  R-3 Multi-Family
-  R-4 Mixed Use
-  R-5 Transitional Residential/Coastal-related Industry
-  C-1 Commercial
-  M-1 Light Industrial
-  M-PR Port Related Uses

Page 49. Revise narrative of Implementing Programs section as follows:

Implementing Programs

Several "implementing programs" will continue to be executed by the City of Port Hueneme. These Programs include the Neighborhood Preservation Program and assorted agreements between the City and Oxnard Harbor District consisting of the: 1979 Port Development Review Committee Agreement; the 1983 Infrastructure and Port Expansion Agreement; 1987 Wharf No. 2 Settlement Agreement; and the 1995 NCEL Disposition Agreement and 2000 Sunkist Site Memorandum of Understanding ~~between the City and Oxnard Harbor District.~~

The Neighborhood Preservation program is an on-going program to preserve and maintain the City's housing stock. The Program includes the following four components: housing rehabilitation program, code enforcement, commercial revitalization, and selective acquisition. Based on the age and condition of the housing-stock, the City has delineated a Neighborhood Strategy Area (NSA) in which rehabilitation and code enforcement efforts are focused.

The Ventura County Hazardous Waste Management Plan delineates the basic criteria to be employed, in addition to LCP policies, in the siting and design of facilities associated with generation, handling and disposal of hazardous wastes and materials. Specifically, Tables II A, II -B, I 1 -C, 4A and 4B, and Figures 4-1 and 4-2 of the County Plan are incorporated by reference herein.

The City of Port Hueneme and Oxnard Harbor District have entered into four a series of agreements dating back to 1979 which affect future planning efforts in the coastal zone. The Port Development Review Committee Agreement, last amended in 1982, will serve as the mechanism through which development of the Port of Hueneme and surrounding areas is to be coordinate between the City and District. The other cooperative planning efforts between the City and District are the 1987 Settlement Agreement, as amended, and the 1995 NCEL and 2000 Sunkist Site Memorandum of Understanding, as amended agreements expressly provide for expansion of the port; the 1987 Agreement granted approval for 17 additional acres of coastal dependent and coastal related zoning; the 1995 NCEL Agreement added 34 acres to the inventory of port-related land; and the 2000 Sunkist Site Memorandum authorized development of an additional 10 acres for port purposes.

Most significant among these agreements is the 1983 Infrastructure and Port Expansion Agreement which authorizes the Oxnard Harbor District to acquire or lease 600 acres on adjacent Navy land and an additional 40 acres of property in Area C: Surfside Industrial. As of 2004, approximately 165 acres of this total are used for port purposes. As a complimentary action, in compliance with the 1987 Settlement a Agreement, called for creation of a single zone classification to streamline and simplify the development review process for port related uses the City has created one



General Plan and Zoning category for
property owned by the Oxnard Harbor
District (See the above discussion about
"Zoning Revisions").



EXHIBIT "C"
(Mitigation Monitoring and Reporting Program)

John Laing Homes Project Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
AESTHETICS						
AES-2 Median Landscape Replacement. In the segment of E. Port Hueneme Road east of the proposed main driveway, the landscape median shall be extended by the Applicant eastward to "J" Street as feasible to replace the area of landscape median to be removed to accommodate the project driveway. The new median shall be landscaped with material similar to that present along the remainder of the E. Port Hueneme Road median.	Verification that median landscaping is included in final site plans; field verification of compliance with landscape requirements	Plan check prior to issuance of building permits; field verification prior to issuance of occupancy permits	Once for plan check; once for field verification	City		
AES-3(a) Lighting Limitations. Onsite lot lighting fixtures shall use fixture cutoffs and/or consist of optically controlled fixtures to control light spillover and glare. Shielding shall be required as necessary so that light measured at adjacent residential properties shall not exceed 0.1 footcandle.	Verification that specified lighting requirements are included in lighting plan; field verification of compliance	Plan check prior to issuance of building permits; field verification prior to issuance of occupancy permits	Once for plan check; once for field verification	City		
AES-3(b) Lighting Height Limits. Pole mounted fixtures shall not exceed 14 feet in height as measured from finish grade to the bottom of the light fixture. Building mounted fixtures shall be located below the roof eaves and shall not exceed the height of the pole mounted fixture (14 feet).	Verification that specified lighting requirements are included in lighting plan; field verification of compliance	Plan check prior to issuance of building permits; field verification prior to issuance of occupancy permits	Once for plan check; once for field verification	City		
AES-3(c) Low Glare Materials. All fenestration shall be of a low-glare specification. Paint used for exterior facades shall be of low reflectivity. Metal surfaces shall be brush-polished or similar finish and not highly reflective.	Verification that specified materials are included in building plans; field verification of compliance	Plan check prior to issuance of building permits; field verification prior to issuance of occupancy permits	Once for plan check; once for field verification	City		
AIR QUALITY						
AQ-1(a) Construction Air Pollution Mitigation Plan. The Applicant shall submit a Construction Air Pollution Mitigation Plan to the City Building Official or Community Development Director which demonstrates substantial reduction of particulate emissions compared to unmitigated emissions. The plan shall, at a minimum, include the following:	Development and implementation of the required dust control plan	Plan review prior to issuance of grading and demolition permits; field verification of compliance	Once for plan review; periodic field review during construction	City		

Key: City = City of Port Hueneme

John Laing Homes Project Mitigation Monitoring and Reporting Program		Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
							Initial	Comments
measures:		<p>1. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.</p> <p>2. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavating activities. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities and occur at least twice daily.</p> <p>3. Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:</p> <p>a. All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.</p> <p>b. All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.</p> <p>4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, it shall be seeded and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.</p>		throughout construction				

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<p>5. Signs shall be posted on-site limiting traffic to 15 miles per hour or less.</p> <p>6. During periods of high winds (25 miles per hour or greater), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust from being an annoyance or hazard, either off-site or on-site.</p> <p>7. Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.</p> <p>8. Personnel involved in grading operations, including contractors and subcontractors, shall wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.</p>						
<p>AQ-1(b) Construction Equipment Controls. The following shall be implemented during construction to minimize emissions of ozone precursors.</p> <p>1. Construction contractors shall minimize equipment idling time throughout construction. Engines shall be turned off if idling would be for more than five minutes.</p> <p>2. Equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.</p> <p>3. The number of pieces of equipment operating simultaneously shall be minimized.</p> <p>4. Construction contractors shall use alternatively fueled construction equipment (such as compressed natural gas, liquefied natural gas, or electric) when feasible.</p>	Field verification of compliance	Throughout grading and construction	Periodically during construction	City		

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
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AQ-1(c) Low VOC Coatings. The Applicant shall use low-volatile organic compound (VOC) architectural coatings in construction.	Field verification of compliance	Throughout grading and construction	Periodically during construction	City			
AQ-1(d) Asbestos Survey. Prior to demolition work, areas of the on-site structures shall be sampled by the Applicant as part of an asbestos survey in compliance with the VCAPCD and National Emission Standards for Hazardous Air Pollutants (NESHAP). If asbestos is found in any building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (ACMs) shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws.	Verification that asbestos sampling and, as necessary, removal and proper disposal of asbestos containing materials have been conducted	Prior to issuance of demolition permits	Once	City			
AQ-5(a) Air Filtration Units. Central air purifiers with HEPA filtration and air filtration systems shall be installed by the Applicant in each residential unit. The air filtration system may be freestanding, hung from a wall or ceiling, or ducted to a ventilation unit. The filtration unit shall be installed by a qualified technician and must include the following or its equivalent: <ul style="list-style-type: none">• 99.7% pollutant removal capability for particulates 3 microns or larger;• HEPA filter;• Carbon VOC filter; and• Standard noise level (45 dBA or less).	Verification that air filtration units are included in building plans; field verification of compliance	Plan check prior to issuance of building permits; field verification prior to issuance of occupancy permits	Once for plan check; once for field verification	City			
AQ-5(b) Odor Disclosure. Written warnings to potential residents about odors shall be made part of the buyer's contract. The following language is provided as an example: "All potential buyers and/or renters of residential property at this site are hereby notified that they may be periodically subject to objectionable odors attributed to industrial activities in the vicinity."	Verification that warnings are included in buyers' contracts.	Prior to issuance of occupancy permits	Once	City			

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Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Comments
CULTURAL RESOURCES						
CR-1(a) Intact Resource Mitigation. For the intact resources of CA-VEN-662 (the area within the "new boundary" on EIR Figure 4.4-1), in-situ preservation is preferable to all other forms of mitigation. To accomplish this, a variety of options are available, including but not limited to, the following or some combination thereof:	Verification that final site plans for Site A avoid the area of intact resources or that a Phase 3 data recovery program has been conducted	Prior to issuance of grading permits for Site A	Once for plan check if avoidance option is selected; if Phase 3 study is selected, periodic field review during the Phase 3 study and once for review of Phase 3 documentation	City		
<ul style="list-style-type: none"> Construction activities may be planned to avoid subsurface excavation that would disturb the archaeological resource (construction of roads and other facilities that would not involve subsurface excavation could occur with data recovery, but buildings or other facilities that would involve subsurface excavation could not). Open space elements or landscaping may be planned to incorporate the archaeological site. The site may be "capped" with a layer of soil. The site may be deemed into a permanent conservation easement. <p>If site avoidance is not feasible, then a Phase 3 archaeological study (data recovery program) shall be implemented by the Applicant. A data recovery program would be designed in coordination with the City of Port Hueneme Planning Department and Native American representative to mitigate adverse impacts to this resource. This approach may include but not be limited to: (1) mapping and surface collection; (2) unit excavation; (3) micro-column samples; (4) wet screening through 1/8 and 1/16 wire screen mesh; (5) radiocarbon dating, lithic, faunal and pollen studies; and (6) other current investigative techniques aimed at maximizing the retrieval of valuable scientific data that will be lost due to the destruction of the resource.</p>						

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CR-1(b) Mitigation for the Area within the Original Boundary of CA-VEN-662. For the disturbed resources of CA-VEN-662 where no concentration of intact artifacts is known to be present (the area outside the "new boundary" on EIR Figure 4.4-1, but within the "original boundary"), a Phase 3 archaeological study (data recovery program) shall be implemented by the Applicant. A data recovery program would be designed in coordination with the City of Port Hueneme Planning Department and Native American representative to mitigate adverse impacts to this resource. This approach may include but is not limited to: (1) mapping and surface collection; (2) unit excavation; (3) micro-column samples; (4) wet screening through 1/8 and 1/16 wire screen mesh; (5) radiocarbon dating, lithic, faunal and pollen studies; and (6) other current investigative techniques aimed at maximizing the retrieval of valuable scientific data that will be lost due to the destruction of the resource.	Verification that a Phase 3 archaeological data recovery program has been conducted – field review and verification of final documentation	Prior to issuance of grading permits for Site A	Periodic field review during the Phase 3 study; once for review of Phase 3 documentation	City		
CR-1(c) Fencing. During site grading and construction, the area of known archaeological sites (as delineated by the "new boundary" on Figure 4.4-1) shall be temporarily fenced by the Applicant. Fencing shall be in place prior to commencement of any construction activities in the area.	Field verification that a fence has been constructed around the area of known intact archaeological resources	Prior to issuance of grading permits for Site A	Once	City		
CR-1(d) Construction Monitoring. A qualified archaeologist shall be retained by the Applicant throughout grading activity of the upper three feet of soil throughout Site A. In the event that archaeological materials are encountered during earth disturbance activities, work in the area of the find shall be stopped immediately or redirected until the qualified archaeologist evaluates the significance of the find. If direct impacts would occur to a significant resource, then that impact shall be mitigated by redesign of the project alignment to avoid the resource, if feasible. If redesign is determined not to be feasible, then a	Verification that an onsite monitor is present during grading of upper three feet of soil on Site A; ceasing of construction activities if remains are unearthed and implementation of appropriate cultural resources management program, as necessary	Throughout grading of upper three feet of Site A	As needed during grading	City		

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<p>Phase 2 (and if required, Phase 3) study shall be conducted by a qualified archaeologist to determine the appropriate mitigation for that resource (e.g., in-situ preservation or a salvage and data recovery program).</p> <p>In addition, if human remains are discovered during construction, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the County Coroner. If the County Coroner determines that the discovered remains are those of Native American ancestry, then the Native American Heritage Commission must be notified by telephone within 24 hours. Sections 5097.94 and 5097.98 of the Public Resources Code, describe the procedures to be followed after the notification of the Native American Heritage Commission.</p> <p>GEOLOGY AND SOILS</p> <p>GEO-2(a) Fill Compaction. The Applicant shall implement the recommendations of the Geotechnical Investigation prepared by Geolabs-Westlake Village Foundation and Soils Engineering/ Geology, and dated May 8, 2003 (see Appendix C for details of the geotechnical specifications). The basic specifications include:</p> <ul style="list-style-type: none"> For building foundations, the upper three feet of the soil profile should be removed and replaced with engineered fill. The engineered fill to support structures should be of sufficient depth to provide a three feet thick fill blanket below the bottom of foundations. Onsite soils are suitable as structural fill. Exposed surfaces should be scarified, moistened or air dried as appropriate, and compacted to at least 90% of the materials maximum dry density prior to placement of fill. Areas to be paved should be scarified to at least 						
	<p>Verification that final grading plans include required specifications or their equivalent; field verification of compliance</p>	<p>Plan check prior to issuance of grading permits; field verification of compliance prior to issuance of building permits</p>	<p>Once for plan check; once for field verification</p>	<p>City</p>		

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18 inches below the existing or rough grade (whichever is deeper), brought near the material's moisture content, and compacted to at least 90% relative compaction.						
<p>GEO-2(b) Geotechnical Oversight. A qualified Geotechnical Engineer shall be retained by the Applicant to perform the following tasks prior to and during construction:</p> <ul style="list-style-type: none"> Review final grading and foundation plans to verify that the recommendations contained in the Geolabs-Westlake investigation have been properly interpreted and are incorporated into the project specifications. Observe and advise during all grading activities, including site preparation, foundation and retaining wall excavation, and placement of fill, to confirm that suitable fill materials are placed upon competent material and to allow design changes if subsurface conditions differ from those anticipated prior to the start of grading and prior to placement of concrete, steel, or forms. 	Verification that final grading plans include required specifications or their equivalent; field verification of compliance	Plan check prior to issuance of grading permits; field verification throughout grading	Once for plan check; periodically for field verification	City		
<p>GEO-3 Soil/Foundation Preparation. The Applicant shall implement the recommendations of the Geotechnical Investigation prepared by Geolabs-Westlake Village Foundation and Soils Engineering/Geology, and dated May 8, 2003 (see Appendix C for details of the geotechnical specifications). The basic specifications include:</p> <ul style="list-style-type: none"> Specialized design of foundations by a structural engineer; Removal or treatment of liquefiable soils, including added fill, to reduce the potential for liquefaction; In-situ densification of soils; or Other alterations to the ground characteristics. 	Verification that final grading plans include required specifications or their equivalent; field verification of compliance	Plan check prior to issuance of grading permits; field verification throughout grading	Once for plan check; periodically for field verification	City		

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HAZARDS AND HAZARDOUS MATERIALS						
<p>HAZ-2 Assessment and Remediation Program. The assessment and remedial program outlined below shall be implemented by the Applicant prior to issuance of grading permits for contaminated areas:</p> <p>Step 1 – Additional Testing</p> <ul style="list-style-type: none"> • Soil and Groundwater Assessment Phase A - Conduct additional assessment of soil and groundwater, including a comprehensive delineation of soil and groundwater impacts. As part of this assessment, the source and limits of soil/groundwater contamination shall be further assessed so that remediation, if necessary, can be targeted to the most contaminated areas of the site. Approximately 8-12 geoprobe soil borings shall be advanced to collect soil and groundwater samples. • Soil and Groundwater Assessment Phase B – Install groundwater monitoring wells to determine the groundwater flow direction and allow collection of repeatable groundwater data. At a minimum, two groundwater wells shall be installed on each side of the plume. In one of the assessment phases, vertical delineation of the groundwater impact shall be investigated. General water chemistry data shall also be collected in order to evaluate water quality. • ESA and RAP Report – Upon completion of the site assessment, prepare an environmental site assessment (ESA) and remedial action plan (RAP). The ESA report and RAP shall be submitted to the Ventura County Environmental Health Division, Voluntary Site Clean Up Program for review. If determined to be necessary, remedial action shall proceed following Ventura County's review. 	<p>Verification of written documentation confirming that assessment, monitoring, and any necessary remediation has been undertaken in accordance with direction from the County Environmental Health Division</p>	<p>Prior to issuance of grading permits for Site B</p>	<p>Once</p>	<p>City</p>		

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<p>Step 2 – Remedial Action If remedial action is warranted in soil or groundwater, air sparging and soil vapor extraction are the most likely means of remediation. This technology appears to be applicable due to the sandy nature of the subsurface soils in the area of contamination and the relatively low concentrations present. Based on the levels of chlorinated solvent identified, remediation is expected to take from six months to one year.</p> <p>Step 3 – Post Remediation Monitoring and HHRA After completion of any required remedial action (i.e., when contaminant concentrations in soil and groundwater have been reduced to cleanup levels or asymptotic conditions), groundwater monitoring may be required for at least one year prior to receipt of site closure from Ventura County. During this monitoring period, it is anticipated that grading and site development could occur in all areas determined to be unaffected by any residual impact or area of agency concern.</p> <p>After or during post-remediation groundwater monitoring, a site specific human health risk assessment (HHRA) shall be conducted for future residential site occupants. If the HHRA indicates that the site poses no excessive risk beyond regulatory standards, no further action would be required. If the HHRA indicates an excessive risk, additional testing or further remedial action shall be undertaken under the direction of the Ventura County Environmental Health Department prior to any grading activity in the affected portion of the site.</p>						
HYDROLOGY AND WATER QUALITY						
H-1 Stormwater Pollution Prevention Plan. Prior to issuance of a grading permit, the Applicant shall prepare a Stormwater Pollution Prevention Plan for the site for review and approval by the City of Port Hueneme. The SWPPP shall fully comply with	Verification that applicant-prepared SWPPP meets RWQCB requirements; field verification of compliance with SWPPP	Plan check prior to issuance of grading permits; field verification throughout	Once for plan check; periodic field review during grading and	City		

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<p>RWQCB requirements and shall contain specific BMPs to be implemented during project construction to reduce erosion and sedimentation to the maximum extent practicable. At a minimum, the following BMPs shall be required:</p> <p><u>Pollutant Escape: Deterrence</u></p> <ul style="list-style-type: none"> Cover all storage areas, including soil piles, fuel and chemical depots. Protect from rain and wind with plastic sheets and temporary roofs. <p><u>Pollutant Containment Areas</u></p> <ul style="list-style-type: none"> Locate all construction-related equipment and related processes that contain or generate pollutants (i.e. fuel, lubricant and solvents, cement dust and slurry) in isolated areas with proper protection from escape. Locate construction-related equipment and processes that contain or generate pollutants in secure areas, away from storm drains and gutters. Place construction-related equipment and processes that contain or generate pollutants in bermed, plastic-lined depressions to contain all materials within that site in the event of accidental release or spill. Park, fuel and clean all vehicles and equipment in one designated, contained area. <p><u>Pollutant Detainment Methods</u></p> <ul style="list-style-type: none"> Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detainment methods that retard movement of water and separate sediment and other contaminants are silt fences, hay bales, sand bags, berms, silt and debris basins. <p><u>Erosion Control</u></p> <ul style="list-style-type: none"> Schedule project grading into phases that allow for 		grading and construction	construction			

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<p>erosion control of smaller areas rather than a single, large exposed site. Vegetation should only be removed when necessary and immediately before grading.</p> <ul style="list-style-type: none"> Conduct major excavation during dry months. These activities may be significantly limited during wet weather. Utilize slope stabilizers, including natural fiber erosion control blankets of varying densities according to specific slope/ site conditions. Expedite the restoration of natural vegetative erosion control and reduce risk of slope failure by immediately re-vegetating and irrigating until first one inch of rain. Reduce fugitive dust by wetting graded areas with an adequate yet conservative amount of water. Cease grading operations in high winds. <p><u>Recycling/Disposal</u></p> <ul style="list-style-type: none"> Develop a protocol for maintaining a clean site. This includes proper recycling of construction-related materials and equipment fluids (i.e., concrete dust, cutting slurry, motor oil and lubricants). Provide disposal facilities. Develop a protocol for cleanup and disposal of small construction wastes (i.e., dry concrete). <p><u>Hazardous Materials Identification and Response</u></p> <ul style="list-style-type: none"> Develop a protocol for identifying risk operations and materials. Include protocol for identifying spilled-materials source, distribution, fate and transport of spilled materials. Provide a protocol for proper clean-up of equipment and construction materials, and disposal of spilled substances and associated cleanup materials. Provide an emergency response plan that includes contingencies for assembling response team and immediately notifying appropriate agencies. 						

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<p>H-4 Stormwater Management Plan. Prior to issuance of a grading permit, the Applicant shall demonstrate that a Stormwater Management Plan satisfying the requirements of the SQIIMP has been developed and approved by The City of Port Hueneme. At a minimum, the plan shall include provisions for addressing the following areas of concern, as outlined in the SQIIMP.</p> <p>Minimization of Storm Water Pollutants of Concern Though the developer has proposed to use extended detention basins with filtration enhancements as the primary BMP for the minimization of pollutants from stormwater runoff, additional source-control and treatment BMPs shall be required to assure that pollutants are removed to the maximum extent practicable. At a minimum the developer's Stormwater Management Plan shall include:</p> <ul style="list-style-type: none"> • A program for the routine cleaning and maintenance of streets, parking lots, catch basins and storm drains, especially prior to the rainy season, to help reduce the level of gross pollutants being discharged from the site. • Other BMPs incorporated in project design so as to minimize, to the maximum extent practicable, the introduction of pollutants of concern to receiving waters. Such BMPs may include, but are not limited to: <ul style="list-style-type: none"> o Use of permeable materials for sidewalks, driveways, and parking lots o Directing rooftop runoff to pervious surfaces, such as yards and landscaped areas o Use of biofilters, including vegetated swales and strips <p>Protection of Slopes and Channels Project plans shall include BMPs consistent with local codes and ordinances and the SQIIMP to reduce the potential of slopes and/or channels from eroding and</p>	<p>Verification that applicant-prepared stormwater management plan meets SQIIMP requirements; field verification of compliance with plan specifications</p>	<p>Plan check prior to issuance of grading permits; field verification throughout grading and construction</p>	<p>Once for plan check; periodic field review during grading and construction</p>	<p>City</p>		

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<p>impacting storm water runoff. These include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Conveyance of runoff safely from the tops of slopes and stabilize disturbed slopes. • Control, reduction, or elimination of flow to natural drainage systems to the Maximum Extent Practicable. <p><u>Informational Materials, including Storm Drain System Stenciling and Signage</u> The following informational materials shall be provided:</p> <ul style="list-style-type: none"> • Educational flyers for each new building unit regarding toxic chemicals and alternatives for fertilizers, pesticides, cleaning solutions and automotive and paint products (the flyers should also explain the proper disposal of hazardous waste) • Stenciling of all storm drains inlets and post signs along channels to discourage dumping by informing the public that water flows to the Pacific Ocean • Posting of signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, at points where channels and creeks enter the project site. • Maintenance of the legibility of stencils and signs. <p><u>Proper Design of Outdoor Material Storage Areas</u> Where proposed project plans include outdoor areas for permanent storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural or Treatment BMPs are required:</p> <ul style="list-style-type: none"> • Materials with the potential to contaminate storm water shall be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or 						

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<p>spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.</p> <ul style="list-style-type: none"> The storage area shall be paved and sufficiently impervious to contain leaks and spills. storage area shall have a roof or awning to minimize collection of storm water within the secondary containment area. <p><u>Proper Design of Trash Storage Areas</u> All trash container areas shall meet the following Structural or Treatment Control BMP requirements:</p> <ul style="list-style-type: none"> Trash container areas shall have drainage from adjoining roofs and pavement diverted around the area(s). Trash container areas shall be screened or walled to prevent off-site transport of trash. <p><u>Proof of Ongoing BMP Maintenance</u> The developer shall provide verification of maintenance provisions by following the Maintenance Plan Guidance described in Appendix D of the Technical Guidance Manual for Stormwater Quality Control Measures and completing a Maintenance Agreement as described in Appendix C of the same document. Other agreements shall be executed as appropriate, including, but not limited to legal agreements, covenants, CEQA mitigation requirements and/or Planned Development Permits. The developer shall be responsible for maintenance until transfer of the property. Upon transfer, the transferee will assume all maintenance measures required as a condition of project approval.</p> <p><u>Proper Design and Treatment of Runoff from Parking Lots</u> Parking lots may accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks. To minimize the potential impacts of parking lots, the following shall be</p>						

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					Initial	Date
<p>required:</p> <ul style="list-style-type: none"> Oil and petroleum hydrocarbons produced at on-site parking lots shall be removed from runoff prior to entering the City storm drain system. The developer shall ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal, and system fouling/plugging prevention control. <p>Per the SQUIMP, structural or treatment control BMPs must meet the following design standards:</p> <ul style="list-style-type: none"> Volume based post-construction structural or treatment control BMPs shall be designed to mitigate (infiltrate or treat) storm water runoff from either: <ol style="list-style-type: none"> The volume of annual runoff to achieve 80% volume capture (Ventura County Land Development Guidelines), The 85th percentile 24-hour runoff event The volume of runoff produced from a .75" storm event; or The volume of runoff produced by a rainfall criterion that achieves the same reduction in pollutant loads as b. Flow-based post-construction structural or treatment control BMPs shall be sized to handle the flow generated from either: <ol style="list-style-type: none"> 10% of the 50-year design flow rate A flow that will result in treatment of the same portion of runoff as treated using volumetric standards above A rain event equal to at least .2 inches per hour intensity or A rain event equal to at least two times the 85th percentile hourly rainfall intensity for Ventura County. 						

Key: City = City of Port Hueneme

John Laing Homes Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
NOISE						
N-1(a) Diesel Equipment Specifications. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.	Field verification of compliance with required specifications	Throughout grading and construction	Periodically during grading and construction	City		
N-1(b) Electrical Power. Electrical power shall be used to run air compressors and similar power tools.	Field verification of compliance with required specifications	Throughout grading and construction	Periodically during grading and construction	City		
N-1(c) Sound Blankets. When feasible, construction contractors shall use sound blankets on noise-generating equipment.	Field verification of compliance with required specifications	Throughout grading and construction	Periodically during grading and construction	City		
N-1(d) Construction Noise Complaint Line. The Applicant shall provide a telephone number for local residents to call to submit complaints associated with construction noise. The number shall be posted on the project site and shall be easily viewed from adjacent public areas.	Verification that a complaint line has been established; field verification that the complaint line is posted onsite	Verification of line prior to issuance of grading permits; field verification throughout grading and construction	Once of line verification; periodic field verification of posting during grading and construction	City		
N-3(a) Interior Noise Reduction. The following noise attenuation features or their equivalent shall be incorporated into residences at the site to in order to achieve an interior noise level of 45 dBA CNEL or less: <ul style="list-style-type: none">• Air conditioning or a mechanical ventilation system in all units so that windows and doors may remain closed;• Solid core exterior doors with perimeter weather stripping and threshold seals;• Baffling of roof or attic vents facing the noise source;• Second story windows on sides of buildings that face the noise source to be avoided, particularly those in the units closest to the railroad right-of-way on Site A;• Window assemblies with a laboratory-tested STC rating of 30 or greater (windows that provide	Verification that final building plans include specifications or their equivalent; field verification that interior noise levels are 45 dBA CNEL or less	Plan check prior to issuance of building permits; field verification prior to issuance of occupancy permits	Once for plan check; once for field verification	City		

Key: City = City of Port Hueneme

John Laing Homes Project Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
superior noise reduction capability and that are laboratory-tested are sometimes called "soundproof" windows; in general, these windows have thicker glass and/or increased air space between panes).						
N-3(b) Noise Disclosure. Written warnings to potential residents about noise shall be made part of the buyer's contract. The following language is provided as an example: "All potential buyers and/or renters of residential property at this site are hereby notified that they may be periodically subject to excessive noise attributed to railroad and related industrial activities in the vicinity."	Verification that warnings are included in buyers' contracts.	Prior to issuance of occupancy permits	Once	City		
TRANSPORTATION/TRAFFIC						
T-5 County Road Mitigation. The proposed project's contribution to cumulative impacts to the Ventura County road network shall be mitigated through one of the following: <ul style="list-style-type: none"> • Payment of a fair share fee to the County of Ventura for needed County road improvements in accordance with the <u>Traffic Impact Mitigation Fee Program Engineering Report</u>, prepared by the County of Ventura Public Works Agency, Transportation Department, and dated October 2001; or • Payment of a fair share fee to the County of Ventura for needed County road improvements based on an independent study of the project's contribution to such impacts. If the independent study is undertaken, it shall be funded by the Applicant and subject to review and approval by the City Engineer and the County of Ventura Public Works Department. <p>Fair share funding shall be the responsibility of the Applicant.</p>	Determination of fee amount and verification that fees have been paid to the County	Prior to issuance of occupancy permits	Once	City		

Key: City = City of Port Hueneme

John Laing Homes Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
UTILITIES AND SERVICE SYSTEMS							
U-3(a) Recycling Bins. Construction contractors shall provide recycling bins for glass, metals, paper, wood, plastic, green wastes, and cardboard during construction.	Field verification that required recycling facilities are provided onsite	Throughout grading and construction	Periodically during grading and construction	City			
U-3(b) Recycled Materials. Building materials shall be made of recycled materials, to the greatest extent practicable.	Verification that final building plans incorporate recycled materials as feasible; field verification that required recycling facilities are provided onsite	Plan check prior to issuance of building permits; field verification throughout construction	Once for plan check; periodic field verification during construction	City			

Key: City = City of Port Hueneme

EXHIBIT "D"
(Environmental Impact Findings)



John Laing Homes Residential Project EIR Findings

The following findings must be made in order to approve and certify the FEIR:

1. The FEIR contains all of the mandatory contents of Environmental Impact Reports, as contained in Section 21000-21177, of the California State Public Resources Code. In addition, all of the procedures for preparation and review of Environmental Impact Reports required by Article 7 of the State CEQA Guidelines have been complied with.

It can be found that the FEIR for the John Laing Homes Residential Project has been prepared in compliance with CEQA. City staff reviewed the document for accuracy, consistency, and completeness prior to its release for public review. Therefore, it is found that the FEIR document reflects the independent judgment of the City of Port Hueneme.

2. Pursuant to Section 15091 of the State CEQA Guidelines:

No public agency shall approve or carry out a project for which an Environmental Impact Report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR.

The following environmental impact findings on specific environmental issues must be made in order to approve the project:

a. **Aesthetics**

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

The proposed project would require removal of street trees and median landscaping along East Port Hueneme Road on the north side of the project site.

The proposed project also would incrementally increase light and glare from the project site. These environmental impacts are considered potentially significant.

The EIR includes the following mitigation measures, which would reduce these significant impacts to a less than significant level.

AES-2 Median Landscape Replacement. In the segment of East Port Hueneme Road east of the proposed main driveway to the single-family home community, the landscape median shall be extended by the Applicant eastward to "J" Street as feasible to replace as much of the landscape median area as possible to be removed to accommodate the project driveway. The new median shall be landscaped with material similar to that present along the remainder of the East Port Hueneme Road median.

AES-3(a) Lighting Limitations. Onsite lot lighting fixtures shall use fixture cutoffs and/or consist of optically controlled fixtures to control light spillover and glare. Shielding shall be required as necessary so that light measured at adjacent residential properties shall not exceed 0.1 foot-candle.

AES-3(b) Lighting Height Limits. Pole mounted fixtures shall not exceed 14 feet in height as measured from finish grade to the bottom of the light fixture. Building mounted fixtures shall be located below the roof eaves and shall not exceed the height of the pole-mounted fixtures (14 feet).

AES-3(c) Low Glare Materials. All fenestration shall be of a low-glare specification. Paint used for exterior facades shall be of low reflectivity. Metal surfaces shall be brush-polished or similar finish and not highly reflective.

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for potentially significant aesthetic impacts have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to aesthetics to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

b. Air Quality

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Project demolition, grading, and construction activity would generate temporary increases in emissions of ozone precursors ROC and NO_x, as well as fugitive dust (PM_{2.5} and PM₁₀). The Project site is also located near potentially odorous industrial land uses, which may periodically subject future residents to objectionable odors. These environmental impacts are considered potentially significant.

The EIR includes the following mitigation measures to address the project's air quality impacts:

AQ-1(a) Construction Air Pollution Mitigation Plan. The Applicant shall submit a Construction Air Pollution Mitigation Plan to the City Building Official or Community Development Director which demonstrates substantial reduction of particulate emissions compared to unmitigated emissions. The plan shall, at a minimum, include the following measures:

1. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
2. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavating activities. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities and occur at least twice daily.
3. Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:
 - a. All trucks shall be required to cover their loads as required by California Vehicle Code Section 23114.
 - b. All graded and excavated material, exposed soil areas, and active portions of the construction site, including unpaved on-site roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible.
4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, it shall be seeded and watered until grass growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.
5. Signs shall be posted on-site limiting traffic to 15 miles per hour or less.
6. During periods of high winds (25 miles per hour or greater), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust from being an annoyance or hazard, either off-site or on-site.
7. Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.
8. Personnel involved in grading operations, including contractors and subcontractors, shall wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.

AQ-1(b) Construction Equipment Controls. The following shall be implemented during construction to minimize emissions of ozone precursors.

1. Construction contractors shall minimize equipment idling time throughout construction. Engines shall be turned off if idling would be for more than five minutes.
2. Equipment engines shall be maintained in good condition and in proper tune as per manufacturers' specifications.
3. The number of pieces of equipment operating simultaneously shall be minimized.
4. Construction contractors shall use alternatively fueled construction equipment (such as compressed natural gas, liquefied natural gas, or electric) when feasible.

AQ-1(c) Low VOC Coatings. The Applicant shall use low-volatile organic compound (VOC) architectural coatings in construction.

AQ-1(d) Asbestos Survey. Prior to demolition work, areas of the on-site structures shall be sampled as part of an asbestos survey in compliance with the VCAPCD and National Emission Standards for Hazardous Air Pollutants (NESHAP). If asbestos is found in any building, asbestos-related work, including demolition, involving 100 square feet or more of asbestos containing materials (ACMs) shall be performed by a licensed asbestos abatement contractor under the supervision of a certified asbestos consultant and asbestos shall be removed and disposed of in compliance with applicable State laws.

AQ-5(a) Air Filtration Units. Central air purifiers with HEPA filtration and air filtration systems shall be installed in each residential unit. The air filtration system may be freestanding, hung from a wall or ceiling, or ducted to a ventilation unit. The filtration unit shall be installed by a qualified technician and must include the following or its equivalent:

- 99.7% pollutant removal capability for particulates 3 microns or larger;
- HEPA filter;
- Carbon VOC filter; and
- Standard noise level (45 dBA or less).

AQ-5 (b) Odor Disclosure. Written warnings to potential residents about odors shall be made part of the buyer's contract. The following language is provided as an example:

"All potential buyers and/or renters of residential property at this site are hereby notified that they may be periodically subject to objectionable odors attributed to industrial activities in the vicinity."

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for impacts relating to air quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to air quality to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

c. Cultural Resources

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Project construction may adversely affect known intact archaeological deposits in the northwest corner of Site A. This is considered a potentially significant impact.

The EIR includes the following mitigation measures to address the Project's potential impacts to archaeological resources:

CR-1(a) Intact Resource Mitigation. For the intact resources of CA-VEN-662 (the area within the "new boundary" on Final EIR Figure 4.4-1), in-situ preservation is preferable to all other forms of mitigation. To accomplish this, a variety of options are available, including but not limited to, the following or some combination thereof:

- Construction activities may be planned to avoid subsurface excavation that would disturb the archaeological resource (construction of roads and other facilities that would not involve subsurface excavation could occur with data recovery, but buildings or other facilities that would involve subsurface excavation could not).
- Open space elements or landscaping may be planned to incorporate the archaeological site.
- The site may be "capped" with a layer of soil.
- The site may be deeded into a permanent conservation easement.

If site avoidance is not feasible, then a Phase 3 archaeological study (data recovery program) shall be implemented. A data recovery program would be designed in coordination with the City of Port Hueneme Planning Department and Native American representative to mitigate adverse impacts to this resource. This approach may include but not be limited to: (1) mapping and surface collection; (2) unit excavation; (3) micro-column samples; (4) wet screening through 1/8 and 1/16 wire screen mesh; (5) radiocarbon dating, lithic, faunal and pollen studies; and (6) other current investigative techniques aimed at maximizing the retrieval of valuable scientific data that will be lost due to the destruction of the resource.

CR-1(b) Mitigation for the Area within the Original Boundary of CA-VEN-662. For the disturbed resources of CA-VEN-662 where no concentration of intact artifacts is known to be present (the area outside the "new boundary" on Final EIR Figure 4.4-1, but within the "original boundary"), a Phase 3 archaeological study (data recovery program) shall be implemented. A data recovery program would be designed in coordination with the City of Port Hueneme Planning Department and Native American representative to mitigate adverse impacts to this resource. This approach may include but is not limited to: (1) mapping and surface collection; (2) unit excavation; (3) micro-column samples; (4) wet screening through 1/8 and 1/16 wire screen mesh; (5)

radiocarbon dating, lithic, faunal and pollen studies; and (6) other current investigative techniques aimed at maximizing the retrieval of valuable scientific data that will be lost due to the destruction of the resource.

CR-1(c) Fencing. During site grading and construction, the area of known archaeological sites (as delineated by the "new boundary" on Figure 4.4-1) shall be temporarily fenced. Fencing shall be in place prior to commencement of any construction activities in the area.

CR-1(d) Construction Monitoring. A qualified archaeologist shall be retained throughout grading activity of the upper three feet of soil throughout Site A. In the event that archaeological materials are encountered during earth disturbance activities, work in the area of the find shall be stopped immediately or redirected until the qualified archaeologist evaluates the significance of the find.

If direct impacts would occur to a significant resource, then that impact shall be mitigated by redesign of the project alignment to avoid the resource, if feasible. If redesign is determined not to be feasible, then a Phase 2 (and if required, Phase 3) study shall be conducted by a qualified archaeologist to determine the appropriate mitigation for that resource (e.g., in-situ preservation or a salvage and data recovery program).

In addition, if human remains are discovered during construction, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the County Coroner. If the County Coroner determines that the discovered remains are those of Native American ancestry, then the Native American Heritage Commission must be notified by telephone within 24 hours. Sections 5097.94 and 5097.98 of the Public Resources Code, describe the procedures to be followed after the notification of the Native American Heritage Commission.

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for cultural resource impacts have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to cultural resources to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

d. Geology and Soils

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Soils at the site have the potential for hazards relating to expansiveness or settlement. Shallow groundwater and sandy material underlying the project site also create a potential for liquefaction. Liquefaction could damage structures on the Project site. These environmental impacts are considered potentially significant.

The EIR includes the following mitigation measures to address the Project's geology and soils impacts:

GEO-2(a) Fill Compaction. The Applicant shall implement the recommendations of the Geotechnical Investigation prepared by Geolabs-Westlake Village Foundation and Soils Engineering/Geology, May 8, 2003. The basic specifications include:

- For building foundations, the upper three feet of the soil profile should be removed and replaced with engineered fill. The engineered fill to support structures should be of sufficient depth to provide a three feet thick fill blanket below the bottom of foundations. Onsite soils are suitable as structural fill.
- Exposed surfaces should be scarified, moistened or air dried as appropriate, and compacted to at least 90% of the materials maximum dry density prior to placement of fill.
- Areas to be paved should be scarified to at least 18 inches below the existing or rough grade (whichever is deeper), brought near the material's moisture content, and compacted to at least 90% relative compaction.

GEO-2(b) Geotechnical Oversight. A qualified Geotechnical Engineer shall be retained to perform the following tasks prior to and during construction:

- Review final grading and foundation plans to verify that the recommendations contained in the Geolabs-Westlake investigation have been properly interpreted and are incorporated into the project specifications.
- Observe and advise during all grading activities, including site preparation, foundation and retaining wall excavation, and placement of fill, to confirm that suitable fill materials are placed upon competent material and to allow design changes if subsurface conditions differ from those anticipated prior to the start of grading and prior to placement of concrete, steel, or forms.

GEO-3 Soil/Foundation Preparation. The Applicant shall implement the recommendations of the Geotechnical Investigation prepared by Geolabs-Westlake Village Foundation and Soils Engineering/Geology, and dated May 8, 2003 (see Appendix C for details of the geotechnical specifications). The basic specifications include:

- Specialized design of foundations by a structural engineer;
- Removal or treatment of liquefiable soils, including added fill, to reduce the potential for liquefaction;
- In-situ densification of soils; or
- Other alterations to the ground characteristics.

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for geology and soils impacts have been identified in the EIR and are included in the Mitigation Monitoring and

Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to geology and soils to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

e. Hazards and Hazardous Materials

- 1) Changes or alterations have been required in, or incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Site B has been listed as a hazardous material site pursuant to Government Code Section 65962.5, and contains soil and groundwater contamination that may pose a risk to human health or the environment. This is considered a potentially significant environmental impact.

The EIR includes the following mitigation measures to address the Project's hazard impact:

HAZ-2 Assessment and Remediation Program. The assessment and remedial program outlined below shall be implemented prior to issuance of grading permits for contaminated areas:

Step 1 – Additional Testing

- **Soil and Groundwater Assessment Phase A** - Conduct additional assessment of soil and groundwater, including a comprehensive delineation of soil and groundwater impacts. As part of this assessment, the source and limits of soil/groundwater contamination shall be further assessed so that remediation, if necessary, can be targeted to the most contaminated areas of the site. Approximately 8-12 geoprobe soil borings shall be advanced to collect soil and groundwater samples.
- **Soil and Groundwater Assessment Phase B** – Install groundwater monitoring wells to determine the groundwater flow direction and allow collection of repeatable groundwater data. At a minimum, two groundwater wells shall be installed on each side of the plume. In one of the assessment phases, vertical delineation of the groundwater impact shall be investigated. General water chemistry data shall also be collected in order to evaluate water quality.
- **ESA and RAP Report** – Upon completion of the site assessment, prepare an environmental site assessment (ESA) and remedial action plan (RAP). The ESA report and RAP shall be submitted to the Ventura County Environmental Health Department, Voluntary Site Clean Up Program for review. If determined to be necessary, remedial action shall proceed following Ventura County's review.

Step 2 – Remedial Action

If remedial action is warranted in soil or groundwater, air sparging and soil vapor extraction are the most likely means of remediation. This technology appears to be applicable due to the sandy nature of the subsurface soils in the area of contamination and the relatively low concentrations present. Base on the levels

of chlorinated solvent identified, remediation is expected to take from six months to one year.

Step 3 – Post Remediation Monitoring and HHRA

After completion of any required remedial action (i.e., when contaminant concentrations in soil and groundwater have been reduced to cleanup levels or asymptotic conditions), groundwater monitoring may be required for at least one year prior to receipt of site closure from Ventura County. During this monitoring period, it is anticipated that grading and site development could occur in all areas determined to be unaffected by any residual impact or area of agency concern.

After or during post-remediation groundwater monitoring, a site specific human health risk assessment (HHRA) shall be conducted for future residential site occupants. If the HHRA indicates that the site poses no excessive risk beyond regulatory standards, no further action would be required. If the HHRA indicates an excessive risk, additional testing or further remedial action shall be undertaken under the direction of the Ventura County Environmental Health Department prior to any grading activity in the affected portion of the site.

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for hazard impacts have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to hazards to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

f. Hydrology and Water Quality

- 1) Changes or alterations have been required in, or incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

During project construction, the soil surface would be subject to erosion and the downstream watershed would be subject to temporary sedimentation and discharges of various pollutants. In addition, operation of the proposed Project could adversely affect the quality of surface runoff to the Hueneme Drain because of increased sediment and pollutants such as oil, pesticides, and herbicides. These environmental impacts are considered potentially significant.

The EIR includes the following mitigation measures to address temporary and long-term water quality impacts:

H-1 Stormwater Pollution Prevention Plan. Prior to issuance of a grading permit, the developer shall prepare a Stormwater Pollution Prevention Plan for the site for review and approval by the City of Port Hueneme. The SWPPP shall fully comply with RWQCB requirements and shall contain specific BMPs to be implemented during project construction to reduce erosion and sedimentation to the maximum extent practicable. At a minimum, the following BMPs shall be required:

Pollutant Escape: Deterrence

- Cover all storage areas, including soil piles, fuel and chemical depots. Protect from rain and wind with plastic sheets and temporary roofs.

Pollutant Containment Areas

- Locate all construction-related equipment and related processes that contain or generate pollutants (i.e. fuel, lubricant and solvents, cement dust and slurry) in isolated areas with proper protection from escape.
- Locate construction-related equipment and processes that contain or generate pollutants in secure areas, away from storm drains and gutters.
- Place construction-related equipment and processes that contain or generate pollutants in bermed, plastic-lined depressions to contain all materials within that site in the event of accidental release or spill.
- Park, fuel and clean all vehicles and equipment in one designated, contained area.

Pollutant Detainment Methods

- Protect downstream drainages from escaping pollutants by capturing materials carried in runoff and preventing transport from the site. Examples of detainment methods that retard movement of water and separate sediment and other contaminants are silt fences, hay bales, sand bags, berms, silt and debris basins.

Erosion Control

- Schedule project grading into phases that allow for erosion control of smaller areas rather than a single, large exposed site. Vegetation should only be removed when necessary and immediately before grading.
- Conduct major excavation during dry months. These activities may be significantly limited during wet weather.
- Utilize slope stabilizers, including natural fiber erosion control blankets of varying densities according to specific slope/ site conditions.
- Expedite the restoration of natural vegetative erosion control and reduce risk of slope failure by immediately re-vegetating and irrigating until first one inch of rain.
- Reduce fugitive dust by wetting graded areas with an adequate yet conservative amount of water. Cease grading operations in high winds. (See discussion under Impact AQ-2 for further fugitive dust control measures)

Recycling/Disposal

- Develop a protocol for maintaining a clean site. This includes proper recycling of construction-related materials and equipment fluids (i.e., concrete dust, cutting slurry, motor oil and lubricants).
- Provide disposal facilities. Develop a protocol for cleanup and disposal of small construction wastes (i.e., dry concrete).

Hazardous Materials Identification and Response

- Develop a protocol for identifying risk operations and materials. Include protocol for identifying spilled-materials source, distribution; fate and transport of spilled materials.

- Provide a protocol for proper clean-up of equipment and construction materials, and disposal of spilled substances and associated cleanup materials.
- Provide an emergency response plan that includes contingencies for assembling response team and immediately notifying appropriate agencies.

H-4 Stormwater Management Plan. Prior to issuance of a grading permit, the Applicant shall demonstrate that a Stormwater Management Plan satisfying the requirements of the SQUIMP has been developed and approved by The City of Port Hueneme. At a minimum, the plan shall include provisions for addressing the following areas of concern, as outlined in the SQUIMP.

Minimization of Storm Water Pollutants of Concern

Though the Applicant has proposed to use extended detention basins with filtration enhancements as the primary BMP for the minimization of pollutants from stormwater runoff, additional source-control and treatment BMPs shall be required to assure that pollutants are removed to the maximum extent practicable. At a minimum the Applicant's Stormwater Management Plan shall include:

- A program for the routine cleaning and maintenance of streets, parking lots, catch basins and storm drains, especially prior to the rainy season, to help reduce the level of gross pollutants being discharged from the site.
- Other BMPs incorporated in project design so as to minimize, to the maximum extent practicable, the introduction of pollutants of concern to receiving waters. Such BMPs may include, but are not limited to:
 - Use of permeable materials for sidewalks, driveways, and parking lots
 - Directing rooftop runoff to pervious surfaces, such as yards and landscaped areas
 - Use of biofilters, including vegetated swales and strips

Protection of Slopes and Channels

Project plans shall include BMPs consistent with local codes and ordinances and the SQUIMP to reduce the potential of slopes and/or channels from eroding and impacting storm water runoff. These include, but are not limited to, the following:

- Conveyance of runoff safely from the tops of slopes and stabilize disturbed slopes.
- Control, reduction, or elimination of flow to natural drainage systems to the Maximum Extent Practicable.

Informational Materials, including Storm Drain System Stenciling and Signage

The following informational materials shall be provided:

- Educational flyers for each new building unit regarding toxic chemicals and alternatives for fertilizers, pesticides, cleaning solutions and automotive and paint products (the flyers should also explain the proper disposal of hazardous waste)

- Stenciling of all storm drains inlets and post signs along channels to discourage dumping by informing the public that water flows to the Pacific Ocean
- Posting of signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, at points where channels and creeks enter the project site.
- Maintenance of the legibility of stencils and signs.

Proper Design of Outdoor Material Storage Areas

Where proposed project plans include outdoor areas for permanent storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural or Treatment BMPs are required:

- Materials with the potential to contaminate storm water shall be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area shall be paved and sufficiently impervious to contain leaks and spills.
- storage area shall have a roof or awning to minimize collection of storm water within the secondary containment area.

Proper Design of Trash Storage Areas

All trash container areas shall meet the following Structural or Treatment Control BMP requirements:

- Trash container areas shall have drainage from adjoining roofs and pavement diverted around the area(s).
- Trash container areas shall be screened or walled to prevent off-site transport of trash.

Proof of Ongoing BMP Maintenance

The Applicant shall provide verification of maintenance provisions by following the Maintenance Plan Guidance described in Appendix D of the Technical Guidance Manual for Stormwater Quality Control Measures and completing a Maintenance Agreement as described in Appendix C of the same document. Other agreements shall be executed as appropriate, including, but not limited to legal agreements, covenants, CEQA mitigation requirements and/or Planned Development Permits. The Applicant shall be responsible for maintenance until transfer of the property. Upon transfer, the transferee will assume all maintenance measures required as a condition of project approval.

Proper Design and Treatment of Runoff from Parking Lots

Parking lots may accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks. To minimize the potential impacts of parking lots, the following shall be required:

- Oil and petroleum hydrocarbons produced at on-site parking lots shall be removed from runoff prior to entering the City storm drain system.
- The Applicant shall ensure adequate operation and maintenance of treatment systems, particularly sludge and oil removal, and system fouling/plugging prevention control.

Per the SQUIMP, structural or treatment control BMPs must meet the following design standards:

- Volume based post-construction structural or treatment control BMPs shall be designed to mitigate (infiltrate or treat) storm water runoff from either:
 - a. The volume of annual runoff to achieve 80% volume capture (Ventura County Land Development Guidelines),
 - c. The 85th percentile 24-hour runoff event
 - d. The volume of runoff produced from a .75" storm event; or
 - e. The volume of runoff produced by a rainfall criterion that achieves the same reduction in pollutant loads as b.
- Flow-based post-construction structural or treatment control BMPs shall be sized to handle the flow generated from either:
 - a. 10% of the 50-year design flow rate
 - b. A flow that will result in treatment of the same portion of runoff as treated using volumetric standards above
 - c. A rain event equal to at least .2 inches per hour intensity or
 - d. A rain event equal to at least two times the 85th percentile hourly rainfall intensity for Ventura County.

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for water quality impacts have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to water quality to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

g. Land Use

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

The proposed Project would generally be compatible with the residential uses in the area, though industrial lighting, odor, noise, and hazards may be compatibility issues of concern. These environmental impacts are considered potentially significant.

The EIR includes Mitigation Measures AES-2 and AES-3(a), (b), and (c) to address aesthetic and lighting concerns, Measures AQ-5(a) and (b) to address odor concerns, Measure HAZ-2 to address concerns relating to soil

contamination, and Measures N-1(a) through (d) and N-3(a) and (b) to address temporary and long-term noise concerns.

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for land use impacts have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to land use compatibility to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

h. Noise

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Project construction could intermittently generate high noise levels on and adjacent to the site. This may affect sensitive receptors near the project site. In addition, the proposed residential development is a noise-sensitive use that would be exposed to noise from several sources, including roads, industrial activity, and rail activity. Temporary construction impacts are not considered significant based on adopted criteria; nevertheless, mitigation has been recommended to minimize construction-related noise. Long-term noise impacts to on-site residences are considered potentially significant environmental impacts.

The EIR includes the following mitigation measures to address potential noise impacts relating to construction and placement of residences adjacent to existing noise sources:

N-1(a) Diesel Equipment Specifications. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.

N-1(b) Electrical Power. Electrical power shall be used to run air compressors and similar power tools.

N-1(c) Sound Blankets. When feasible, construction contractors shall use sound blankets on noise-generating equipment.

N-1(d) Construction Noise Complaint Line. The City shall provide a telephone number for local residents to call to submit complaints associated with construction noise. The number shall be posted on the project site and shall be easily viewed from adjacent public areas.

N-3(a) Interior Noise Reduction. The following noise attenuation features or their equivalent shall be incorporated into residences at the site in order to achieve an interior noise level of 45 dBA CNEL or less:

- Air conditioning or a mechanical ventilation system in all units so that windows and doors may remain closed;
- Solid core exterior doors with perimeter weather stripping and threshold seals;
- Baffling of roof or attic vents facing the noise source;
- Second story windows on sides of buildings that face the noise source to be avoided, particularly those in the units closest to the railroad right-of-way on Site A;
- Window assemblies with a laboratory-tested STC rating of 30 or greater (windows that provide superior noise reduction capability and that are laboratory-tested are sometimes called "soundproof" windows; in general, these windows have thicker glass and/or increased air space between panes).

N-3(b) Noise Disclosure. Written warnings to potential residents about noise shall be made part of the buyer's contract. The following language is provided as an example:

"All potential buyers and/or renters of residential property at this site are hereby notified that they may be periodically subject to excessive noise attributed to railroad and related industrial activities in the vicinity."

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for noise impacts have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures, in combination with enforcement of the City Noise Ordinance on adjacent industrial activities, will reduce impacts relating to noise to a level of insignificance pursuant to Section 15091(a)(1) of the

i. Traffic and Circulation

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

Cumulative traffic growth would increase traffic levels on the local circulation system and the project would incrementally contribute to the degradation of service levels throughout the study area. In addition, the proposed Project would incrementally add to traffic levels on the County portion of Port Hueneme Road, which the County projects will degrade to unacceptable service levels under cumulative conditions. The Project's contribution to cumulative impacts is considered a potentially significant environmental impact.

The EIR includes the following mitigation measures to address the Project's contribution to cumulative traffic impacts:

T-5 County Road Mitigation. The proposed Project's contribution to cumulative impacts to the Ventura County road network shall be mitigated through one of the following:

- Payment of a fair share fee to the County of Ventura for needed County road improvements in accordance with the Traffic Impact Mitigation Fee Program Engineering Report, prepared by the County of Ventura Public Works Agency, Transportation Department, and dated October 2001; or
- Payment of a fair share fee to the County of Ventura for needed County road improvements based on an independent study of the project's contribution to such impacts. If the independent study is undertaken, it shall be funded by the applicant and subject to review and approval by the City Engineer and the County of Ventura Public Works Department.

Based on the above facts, it can be found that:

All feasible and reasonable mitigation measures for traffic and circulation impacts have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program and Conditions of Approval for the project. The proposed mitigation measures will reduce impacts relating to traffic and circulation to a level of insignificance pursuant to Section 15091(a)(1) of the CEQA Guidelines.

j. Alternatives

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR.

The EIR examines three alternatives to the proposed project, as described below.

Alternative 1: No Project. This alternative assumes that the Project is not constructed, and that Site A continues to be undeveloped and Site B continues to accommodate the existing light industrial uses, which include truck maintenance and storage (Waggoners Trucking), and welding (B&C Welding). It should be noted, however, that the current zoning would continue to allow development on the Project site. Consequently, the site could potentially be developed at some future date, even if the No Project scenario is implemented at this time.

Alternative 2: Buildout Under Current General Plan Designation. This alternative considers the impact of buildout of the Project site in accordance with the land use designation under the current City General Plan and Local Coastal Plan. The existing Industrial land use designation could potentially have 551,175 square feet of light industrial development, under the maximum 0.75 FAR. However, the Port Hueneme Land Use Element uses an average FAR of 0.5, which would result in about 367,450 square feet of light industrial development.

Alternative 3: Reduced Development. This alternative would reduce the amount of overall residential development on the site. Specifically, the development plan for Site A would be redesigned around the archaeological resource found on this site. It is assumed that in order to minimize impacts to this resource, development on Site A would avoid construction that could adversely affect the archaeological resource in the northwest corner of Site A. The area defined on Figure 4.4-1 in Section 4.4, *Cultural Resources*, as the new boundary of the archeological resource would be preserved as a park, greenspace, or other open space. Development of the secondary access road into Site A from Port Hueneme Road would be permitted provided that the construction does not involve subsurface excavation. Development on Site B would remain the same. This alternative would reduce the total number of residential units on Site A from 68 to 64, and the total amount for the entire project would be 150 units (64 units on Site A and 86 multi-family units on Site B).

Each of the alternatives would be environmentally superior to the proposed Project in at least one issue area, but each of the development alternatives (2 and 3) would also be inferior to the proposed Project in some respects. The No Project Alternative is considered environmentally superior, as it would have no impact. Alternative 3 is considered environmentally superior among the development alternatives.

Although each of the alternatives is environmentally superior to the proposed Project in at least one issue area, all of the Project's significant impacts can be reduced to a level of insignificance with the proposed mitigation measures. Therefore, adoption of a project alternative is not necessary in order to eliminate the proposed Project's significant environmental impacts.

EXHIBIT "E"

STATEMENT OF THE AMOUNT OR DESCRIPTION OF THE
IMPOSITION OF FEES, DEDICATIONS, RESERVATIONS OR OTHER
EXACTIONS FOR PUBLIC FACILITIES FOR PLANNED
DEVELOPMENT PERMIT NOS. PHPD-792 and PHPD-795
(John Laing Homes)

Government Code Section 66020(d)(1) requires local agencies to provide a project applicant written notice at the time of approval of the project or at the time of the imposition of the fees, dedications, reservations, or other exactions, a statement of the amount of the local agency's fees or a description of the local agency's dedications, reservations, or other exactions, for public facilities and notification that the 90-day approval period in which the applicant may protest has begun.

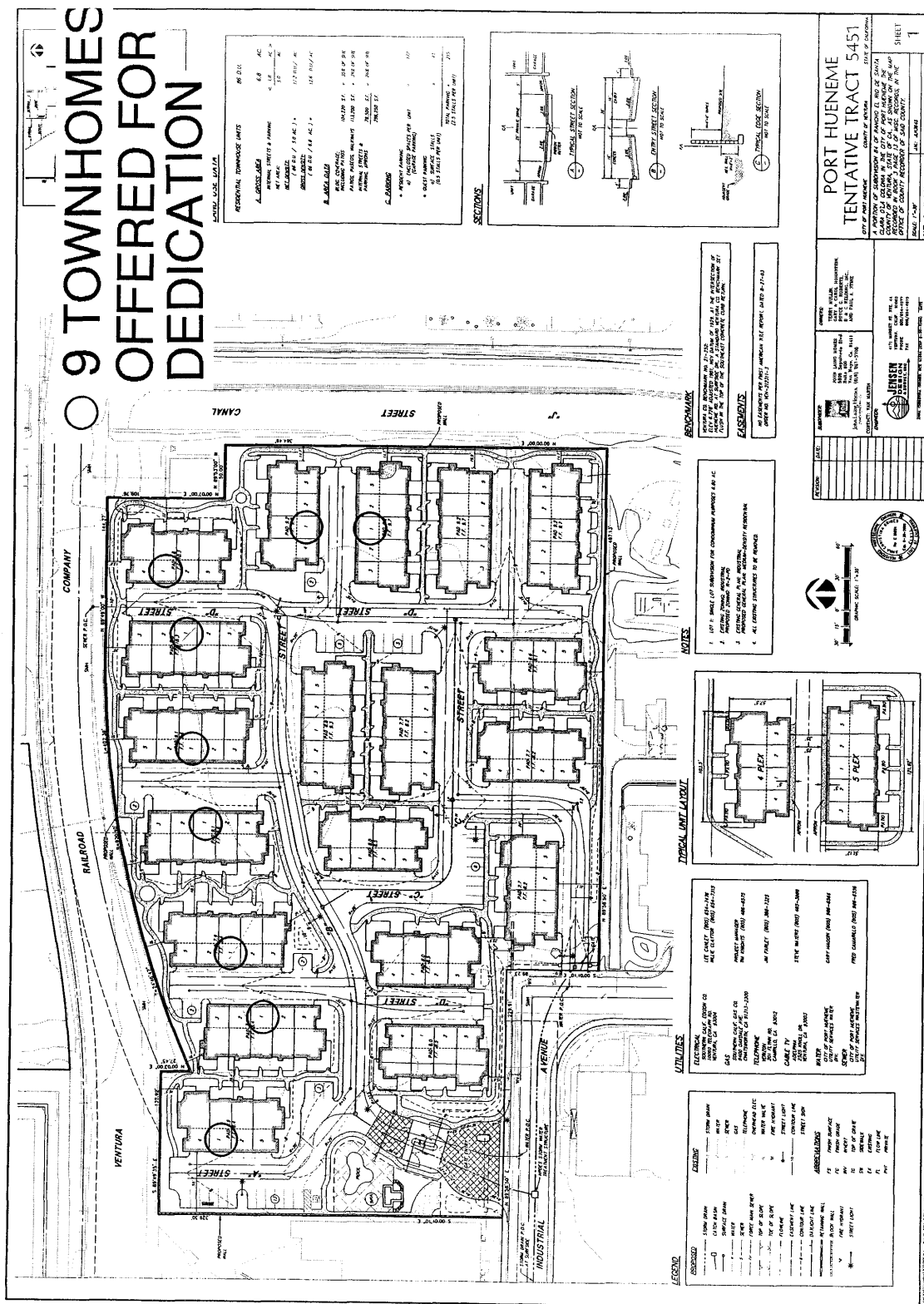
Following is the written notice of the City of Port Hueneme's fees, dedications, reservations, or other exactions for the purpose of defraying all or a portion of the cost of public facilities related to the subject Development Permit:

- a. Improvement of the Project's perimeter public rights-of-ways and the East Port Hueneme Road street median's eastward extension with necessary improvements including new flat work, curb, gutter, sidewalk, tree wells, storm water, lighting, and similar utilities as required by the Director of Public Works subject to specification and approval by the Director of Public Works.
- b. Payment of traffic fees totaling \$556 per dwelling unit.
- c. Installation of street identification signs mounted on a timber pole to match City's street scene as deemed necessary by the Director of Community Development and Public Works.
- d. Payment of housing in-lieu fees totaling \$13,670 on 25 percent of the total Market rate dwellings.

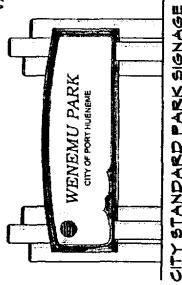
The above fees shall be valid for a period of twenty-four (24) months from the date of adoption of the City Council Resolution approving the Project unless substantial use is inaugurated or substantial construction commenced at each phase within said time frame. On or after 24 months from said date, the City reserves the right to modify the amount of fees.

EXHIBIT "F"
(Townhome & Wene'mu Park Dedication)

9 TOWNHOMES
OFFERED FOR
DEDICATION



JOHN LAING HOMES
5805 SEPULVEDA BLVD., SUITE 800
VAN NUYS, CA 91411
(818) 267-3700

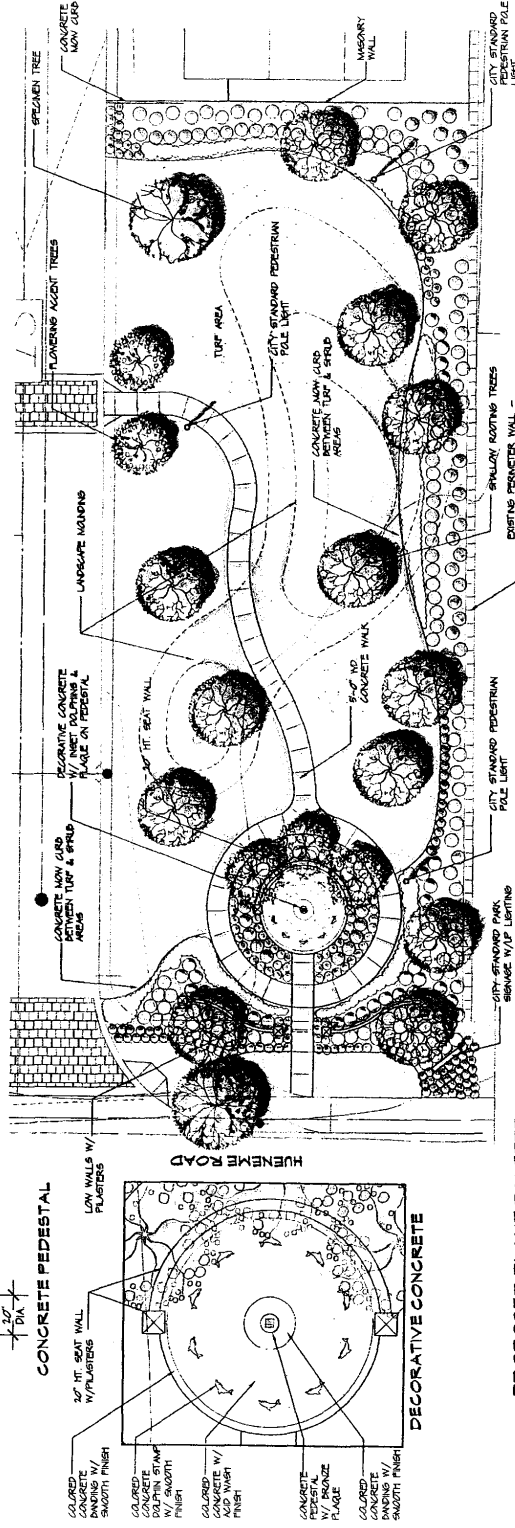
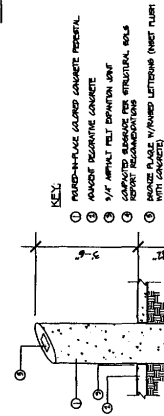


WENEMU PARK

TRACT #5452

DEDICATED TO THE
CHUMASH INDIANS OF
THE VILLAGE WENEMU,
"A RESTING PLACE."

BRASS PLATE MONUMENT: BRONZE WITH
RAISED LETTERING



PROPOSED PLANT PALETTE

TREES:

SCIENTIFIC NAME	COMMON NAME	SIZE
LAGUNA LEPTOTILLIA	GOLD MEXICAN TREE	10\"/>

SHRUBS (CONT.)

SCIENTIFIC NAME	COMMON NAME	SIZE
COLLENSIA FLORIBUNDA	PORTULACA OF TENDON	5\"/>

VINES

SCIENTIFIC NAME	COMMON NAME	SIZE
DIPILOPSIS BUCCHIERIANA	FLORID-TRUMPET VINE	5\"/>

1\"/>

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS:
CITY OF PORT HUENEME)


I, KAREN B. JACKSON, duly appointed and qualified City Clerk of the City of Port Hueneme, do hereby certify that the foregoing Resolution is a true and correct copy of Resolution No. 3420 passed and adopted by the City Council of the City of Port Hueneme at the Regular Meeting of the City Council on the 2nd day of February, 2005, by the following roll call vote:

AYES: Council Members Volante, Sharkey, Young, and
Mayor Rosenbluth

NOES: Council Member Morales

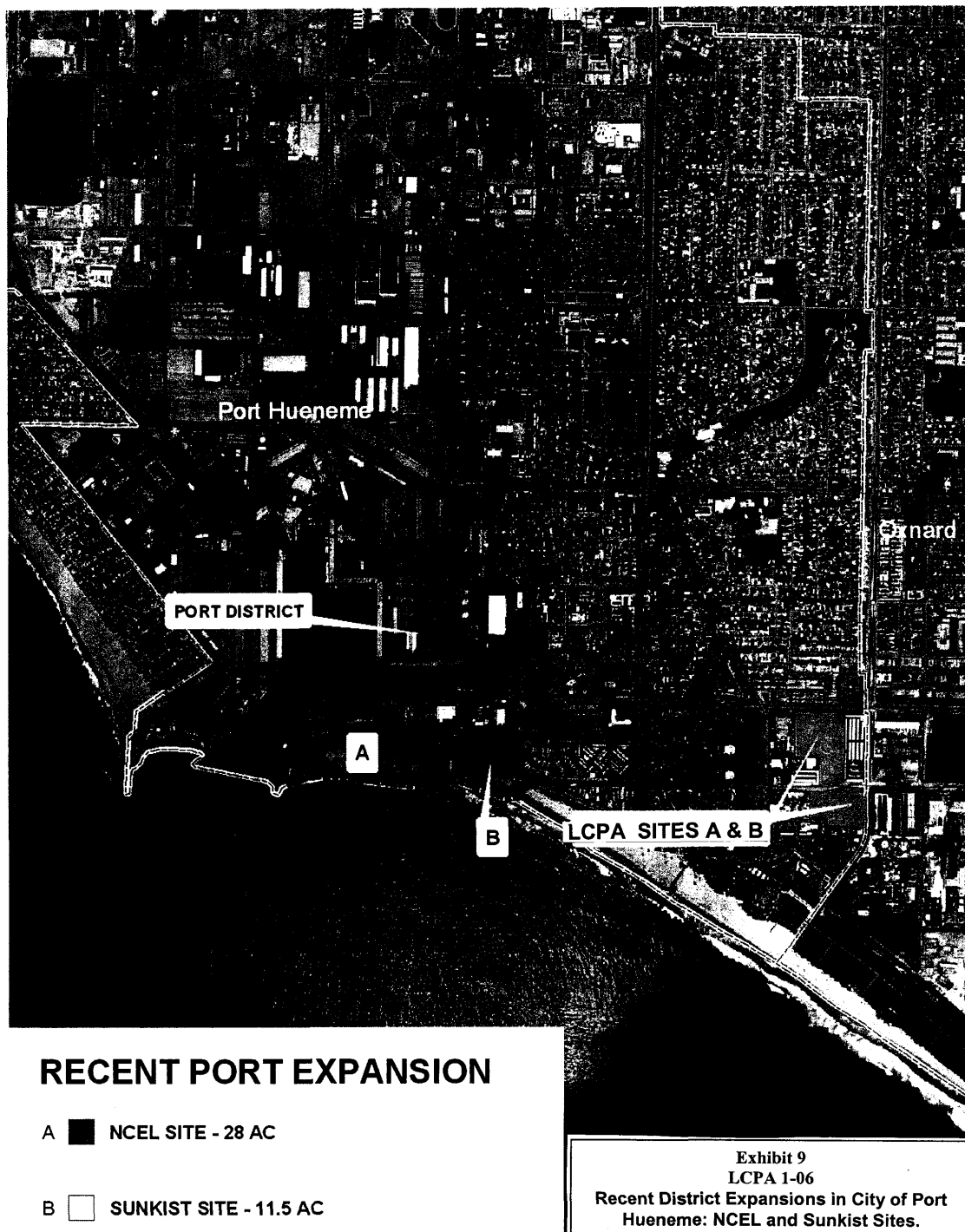
ABSTAINING: None

ABSENT: None



KAREN B. JACKSON, City Clerk of
Port Hueneme and ex-officio Clerk
Of the Council

DATED: February 4, 2005



Map Prepared by: Jensen Design & Survey Inc.

1 inch equals 1,500 feet



P.O. Box 608 • 333 Panama Street • Port Hueneme, CA 93044-0608

Tel 805.488.3677 Fax 805.488.2620 www.portofhueneme.org



December 7, 2005

RECEIVED

DEC 16 2005

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

California Coastal Commission
South Central Coast District Office
Attn: Mr. John Ainsworth, Deputy Director
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: City of Port Hueneme's Proposed Amendment to its Local Coastal Plan

Dear Commissioners:

As you are aware, the City of Port Hueneme seeks approval of an Amendment to its Local Coastal Plan in order to allow the construction of a housing development within the coastal zone in an area of land along Hueneme Road (the Hueneme Road land) currently zoned for light industrial use and recognized in its Local Coastal Plan as appropriate for future port expansion.¹ This is the only vacant land in close proximity to the Port within the City of Port Hueneme that is, or would be, appropriate for Port use. The Oxnard Harbor District which owns and operates the commercial Port of Hueneme strenuously opposes the approval of the Amendment to the City's Local Coastal Plan because this property is vitally needed by the District to accommodate its current and future international business. The District proposes to construct on the land, nearly all of which is vacant, a vehicle handling and distribution facility because of its close proximity to the Port. As outlined in my letter to the Commission dated May 11, 2005, the District continues its process to acquire this land following the procedures required by law.

Recognizing the need to preserve and enhance the movement of goods and materials in California, particularly Southern California, the Oxnard Harbor District has in recent years not only prepared its marine facilities to handle increasing waterborne commerce by expanding and improving waterfront areas, constructing refrigerated warehouses and vehicle transfer facilities, it has acquired a World Trade Center Association license to promote world trade, provided the local financial match for the Rice Avenue extension (Port Intermodal Corridor) and purchased the memberships of the Ventura County Railway Company, LLC to preserve rail access to the harbor, both commercial and naval facilities.

¹Two photographs showing the location of the Hueneme Road land and the immediate surrounding area are enclosed.

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Harbor Commissioner

Nao Takasugi
Harbor Commissioner

PORT MANAGEMENT

William J. Buenger
Executive Director

Exhibit 10 LCPA 2-06
Letter dated December 7, 2005 from William Buenger,
Executive Director, of the Oxnard Harbor District

PORT OF ENTRY

Page 2
December 7, 2005

The threat by Laing Homes to file a lawsuit if a mitigated negative declaration was adopted has delayed the acquisition process in that the Board of Harbor Commissioners then opted to do an EIR to avoid any further delay in the District's potential acquisition of the property. Its draft environmental impact report (DEIR) has been completed and is in circulation. A community Scoping Meeting was held on September 1st, and a Public Hearing concerning the DEIR was held November 14, 2005, and the expiration of the time within which comments were to be received regarding the DEIR expired December 5th, 2005.

I have enclosed copies of my previous letters to the Coastal Commission dated March 30, 2005, April 12, 2005, and May 11, 2005, setting forth the reasons why the Commission should deny the City's request for approval of the Amendment for the Hueneme Road land. I will not repeat here the contents of those letters, but I urge the Commission to review them again. However, I will briefly summarize those reasons.

First, in the adoption of the Coastal Act of 1976, the Legislature established a separate Chapter 8 governing ports, including the Port of Hueneme, and made specific legislative findings regarding them. Thus, the Legislature determined that the Port of Hueneme is "one of the state's primary economic and coastal resources and [is] an essential element of the National Maritime Industry." The Legislature also directed that the Port modernize and construct facilities within its boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state. The construction of housing units on the Hueneme Road land is detrimental to the Port of Hueneme as a "coastal resource" and contrary to the Legislative mandate for the construction of facilities within its boundaries. This is so because this land is currently needed to accommodate existing and future business of the Port. In this regard, it is interesting to note that between FY 1995 and 2005 dry cargo tonnage has increased by 36.8%, but the units of imported automobiles have increased 122.7% to a total of 280,007 units in 2005.

Second, the Coastal Act in section 30001.5(d) provides as a "basic goal of the state", priority to coastal dependent and coastal related uses over other development on the coast. The foreign, interstate and intrastate maritime commerce engaged in by the Port and the activities that support it thus should have priority over the use of the Hueneme Road land for housing.

Third, recognizing long ago that the Port of Hueneme was land poor, in 1983 the District and the City of Port Hueneme entered into a written agreement recognizing the future need of the District for the Hueneme Road land by which the City consented to its acquisition by the District as required by Harbors and Navigation Code section 6075. A copy of that Agreement and the judgment validating it are enclosed.

Page 3
December 7, 2005

The judgment prepared by the City's attorney recites that the City's consent to the acquisition of the land mentioned in the Agreement was consideration for the payments to be made to the City by the District under the Agreement. This Agreement has never been modified nor has the District ever been asked by the City of Port Hueneme to amend or waive its provisions regarding the Hueneme Road land.

Fourth, as detailed in my letter of March 30, 2005, the Hueneme Road land has historically been used for port related uses by its owners or the tenants of the owners. These uses included (a) imported automobile storage and distribution, (b) a truck and crane company providing services to the Port, (c) support of the offshore oil industry, (d) support of the fishing industry, and (e) trucking services to the automobile importers and processing facilities for automobiles imported and exported from the Port.

Fifth, as previously mentioned, the District is continuing the proceedings required by law to acquire the property for the District's use consistent with the legislative mandate in the Coastal Act.

Sixth, the District has a current pressing need for the property to accommodate both its existing and anticipated future business. An inability to acquire and use this land by approval of the City's proposed LCP amendment will restrict the growth of the Port.

Finally, the District feels strongly that it is inappropriate to build homes within the middle of a current industrial area which is the goal of the requested Amendment by the City of Port Hueneme to its Local Coastal Plan. It can also be noted that the proposed housing to be built on the Hueneme Road land if the Local Coastal Plan amendment is approved does not satisfy the affordable housing requirements within the coastal zone as mentioned in my March 30, 2005 letter.

It is respectfully requested that the Coastal Commission deny the City's application for amendment to its Local Coastal Plan for the Hueneme Road land, or, alternatively, continue its consideration of the matter until the District can complete its acquisition of the property for port purposes in compliance with the requirements imposed upon the District by law.

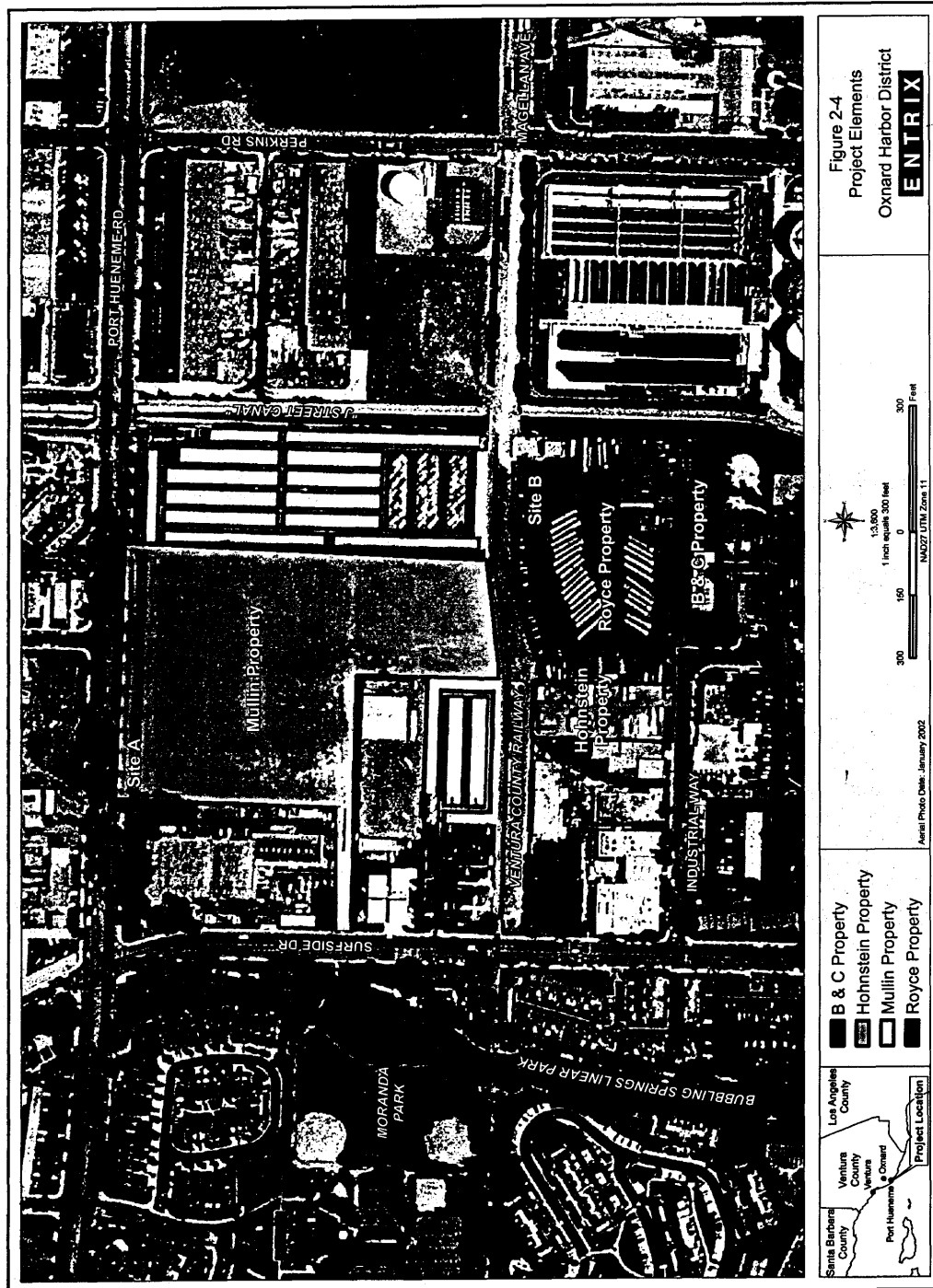
Very truly yours,



William J. Buenger
Executive Director

Enclosures

cc: Mr. James Johnson, Coastal Program Analyst w/Enclosures ✓





P.O. Box 608 • 333 Ponomo Street • Port Hueneme, CA 93044-0608

Tel 805.488.3677 Fax 805.488.2620 www.portofhueneme.org



May 11, 2005

California Coastal Commission
South Central Coast Area
Attn: Mr. James Johnson, Coastal Program Analyst
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: Proposed Port Hueneme LCP Amendment – John Laing Homes

Dear Commissioners:

The City of Port Hueneme has submitted a Local Coastal Program Amendment that would revise the LCP Land Use and Zoning Ordinance to change land currently zoned and lying within a light industrial zone to residential use in order to enable John Laing Homes to build residences on the property. The matter is tentatively scheduled for Commission hearing at the June 8-10, 2005 meeting in Long Beach. For reasons mentioned in my previous letters to the Coastal Commission dated March 30, 2005 and April 12, 2005, the Oxnard Harbor District respectfully requests that the Commission postpone the hearing on this matter until its meeting in October, 2005.

As indicated in my previous letters, the Oxnard Harbor District is proceeding with the process to acquire this property (nearly all of which is currently vacant) for port purposes because of the urgent need for additional land for existing and future cargo operations at the Port of Hueneme which is owned and operated by the Oxnard Harbor District. Because of its close proximity to the Port, this land is ideal for such use and, in fact, as mentioned in my letters has been and currently is being used for port related purposes. The District proposes to acquire this land through the exercise of the power of eminent domain, if necessary. As the Commission is aware, the process for the acquisition of land by a public entity such as the Oxnard Harbor District is a rather slow process. The District must first complete an environmental assessment and adopt a negative declaration, mitigated negative declaration or environmental impact report before it can approve the project consisting of the acquisition of the land, amendment to its Port Master Plan, and development of the property for port use. Once the appropriate environmental document has been prepared, it must be circulated for at least a thirty-day public review period before the District can act on it. The District is well underway in this environmental assessment process.

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Harbor Commissioner

PORT MANAGEMENT

William J. Buenger
Executive Director

Exhibit 11 LCPA 2-06
Letter dated May 11, 2005 from William Buenger, Executive
Director, of the Oxnard Harbor District

PORT OF ENTRY

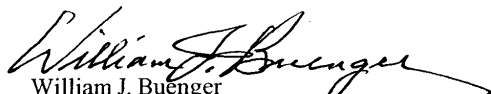
Page 2
May 11, 2005

Before the District can adopt a resolution of necessity for acquisition of the property by eminent domain, the District must first make offers to the landowners to purchase the property. The District has already obtained through its counsel an appraisal of each of the property parcels to be acquired. Only after the CEQA procedures have been completed and offers have been made as required, can the District adopt a resolution of necessity as a prelude to acquiring this property by the use of the power of eminent domain.

As I had mentioned in my previous letters, the District expressed an interest in acquiring this property in 1983 in a written agreement with the City of Port Hueneme by which the City agreed to the consent to the acquisition of the property by the Oxnard Harbor District. Thus, the interest of the District in acquiring the property is not new. As also mentioned in my March 30, 2005 letter, it is the District's belief that the policies and priorities in the Coastal Act favor the use of this property already within an industrial site for port related purposes as opposed to residential use. The property has long been recognized as appropriate for port use and has been, and is used for port related purposes as shown in my April 12, 2005 letter. Perhaps most important, the District has a current pressing need for the property to be able to handle the growth in cargo volume at the Port of Hueneme.

Accordingly, the District urges that the Commission consider and approve the District's request and continue the hearing on the City of Port Hueneme's proposed Amendment to its Local Coastal Program to the Commission's meeting in October, 2005.

Respectfully submitted,


William J. Buenger
Executive Director

P.O. Box 608 • 333 Panama Street • Port Hueneme, CA 93044-0608

Tel 805.488.3677 Fax 805.488.2620 www.portofhueneme.org



April 12, 2005

California Coastal Commission
South Central Coast Area
Attn: Mr. James Johnson, Coastal Program Analyst
89 South California Street, Suite 200
Ventura, CA 93001

RE: City of Port Hueneme's Letter of March 11, 2005

Dear Commissioners:

The Oxnard Harbor District recently obtained a copy of the City of Port Hueneme's letter of March 11, 2005. A copy of that letter and the enclosures were not furnished by the City. I feel compelled to respond to parts of the letter that, in my opinion, are either misleading or untrue.

The City attempts to make a narrow construction of what is a "port-related" use under the Coastal Act implying that uses in the current M-1 zone are not "port-related". The uses in the M-1 zone, however, can be port-related. Thus, the City states on page 2 of its letter that "except for Hueneme Boat Works and Hueneme Fish & Bait, none of the uses within the Surfside Industrial Area (past or present) constitute coastal related uses within the strict meaning of the Coastal Act."¹ Nothing could be further from the truth. In my previous letter to you, I mentioned all of the uses that have been made on the property that were, and are, made because of the close proximity of this land to the Port. These uses would not exist except for the Port and the maritime commerce it supports. Further, because of the growth of cargo operations at the Port, and a critical need for additional land, the District has started the process necessary for its acquisition of the vacant land including that currently leased to Waggoner Trucking in the Surfside Industrial Park in order to put it to Port purposes. The City has been well aware of this. By my letter of October 24, 2004, the District requested the City adopt a resolution of the consent to the acquisition of this land as it agreed to do in a 1983 written agreement with the District. The City has not provided such a resolution to date indicating that it would do so when the District is in a position to acquire the property. Despite that refusal, the District has hired an environmental consultant to prepare an EIR required by CEQA, and counsel for the District has obtained an appraisal of the property as a prelude to the District making an offer to the owners of the property to purchase the property required to be done before eminent domain proceedings can be initiated. The District has done so because of its urgent need for land and to fulfill the legislative mandate in the Coastal Act to expand in its present location. The District is making these expenditures in the absence of any assurance that the City will provide this consent. In fact, by its application for an LCP amendment, it seems clear that the City does not intend to meet its obligation under the 1983 Agreement.

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Harbor Commissioner

PORT MANAGEMENT

William J. Buenger
Executive Director

¹ Underlining added.

Page 2
April 12, 2005

The City makes reference to foreign trade zones. Except for the foreign trade zone area that encompass the property owned by the District itself, or within the Port complex, the boundaries of the foreign trade zone are not areas the District can use in the offloading and loading of cargo and purposes related thereto as is true with the Surfside Industrial site once acquired. The foreign trade zone serves an entirely different purpose for customers of the Port and associated businesses; that is, deferred custom duties. Existence of such foreign trade zone is one factor that encourages importers and exporters of goods to use the Port of Hueneme.

On page 3 of its letter, the City makes the rather startling remark that "the John Laing Homes proposal would not change the land inventory to support high priority uses." The remark is startling because it would take away at least 16.8 acres of land in the middle of an industrial site for residential use, thereby signaling the possible conversion of an additional 13.64 acres of industrial area to future residential. This obviously changes the industrial land area. Further, it removes the land for Port uses, whether these are deemed to be "coastal-related" within the definition of the Coastal Act or "industrial". The City has produced nothing to show what other areas exist in the City over which it has jurisdiction that are available for industrial or port use at the present time.

The "Consistency Analysis" submitted with its letter is also misleading. First, it ignores the legislative findings in Chapter 8 of the Coastal Act pertaining to the District's Port of Hueneme. Second, it ignores the District's desire to acquire the property for port use. Third, it refers to land currently leased on Naval Base Ventura County and "435 acres of additional land as potentially available."² All tenant leases with the Navy are subject to a thirty-day termination. This only reinforces the need for the District to acquire the Surfside Industrial property and other property outside of the Base. Termination of the Navy leases could result in a loss of customers to the District if other land is not immediately available. Land that is "potentially" available is not available. Ironically, the City has asked the District to stop any effort to acquire property on Naval Base Ventura County because of the BRAC process! The Port of Hueneme needs land now, not at some potential time in the future that may never materialize. The vacant land in the Surfside Industrial site serves in part to satisfy that need.

The consistency analysis also states "the LCP designates an 8.15 segment of area E... (known as ABC Streets..) as a Transitional Residential Coastal-Related Industry." What the City fails to mention is this ABC area is fully developed with residences and businesses (about 70 in number) providing low and moderate income housing. If in support of its application the City is suggesting that the District should acquire this property rather than the vacant Surfside Industrial site, the suggestion is absurd. The cost of acquiring existing homes, finding replacement housing for the residents and

² Underlining added.

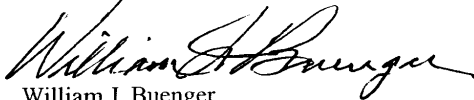
Page 3
April 12, 2005

demolition of the homes before improvement would be prohibitive, while the acquisition of the vacant Surfside Industrial site property would not. The suggestion that the existing low to moderate income homes in the ABC area be eliminated as a reason for the building of new homes on the Surfside Industrial site (only nine of the multifamily units of which will be lower or moderate income) needs no further comment. The City well knows that acquisition of the ABC site by the District is realistically not feasible.

The message sent by the City's letter is that it has done enough for the Port and will not do any more. The City is also suggesting that the City of Oxnard, surrounding the City of Port Hueneme, will have to pick up the slack. Of course, neither the Oxnard Harbor District nor the City of Port Hueneme can require or assure the City of Oxnard's commitment or cooperation in supplying increasingly valuable land for coastal-related uses. In fact, that City recently denied the request of a Port tenant to allow its use of a vacant 38-acre site and is currently master planning hundreds of acres further east on Hueneme Road for residential, schools, parks, and limited commercial uses.

For reasons stated in my previous letter and this letter, the Oxnard Harbor District strongly urges that the application of the City of Port Hueneme be denied by the Coastal Commission.

Very truly yours,



William J. Buenger
Executive Director

P.O. Box 608 • 333 Panama Street • Port Hueneme, CA 93044-0608

Tel 805.488.3677 Fax 805.488.2620 www.portofhueneme.org



March 30, 2005

California Coastal Commission
South Central Coast Area
Attn: Mr. James Johnson, Coastal Program Analyst
89 South California Street, Suite 200
Ventura, CA 93001-2801

RE: City of Port Hueneme's Proposed Amendment to its Local Coastal Program

Dear Commissioners:

The Board of Harbor Commissioners of the Oxnard Harbor District opposes the proposed Local Coastal Program amendment of the City of Port Hueneme submitted to the Coastal Commission on or about February 10, 2005. It is the Board's strong feeling that the land subject to the City's proposed amendment is better suited for port uses by the District in its operation of the Port of Hueneme consistent with the priorities established by the Coastal Act and the legislative findings set forth in Chapter 8 of the Public Resources Code governing ports. The land in question has been recognized as appropriate for port-related uses since 1983, and for future acquisition by the District. It has been used for port-related purposes in the past and the District has taken the preliminary steps toward acquisition of the property for port purposes. The land in question is about a quarter of a mile from the Port of Hueneme's main gate.

1. **Policies and priorities.** The Coastal Act in Chapter 8 makes legislative findings and directives for certain California ports including the Port of Hueneme. The Legislature has found and declared that the Port of Hueneme constitutes "one of the state's primary economic and coastal resources and [is] an essential element of the national maritime industry." (§30701[a].) As an existing Port, the Port of Hueneme was "encouraged to modernize and construct necessary facilities within [its] boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state." (§30701[b].)

In its operation of the Port of Hueneme, the District has consistently followed this mandate.

Consistent with these findings and declaration, the Coastal Act also gives priority to coastal dependent and coastal-related uses. Section 30001.5(d) provides as a "basic goal" of the State within a coastal zone to:

**BOARD OF HARBOR
COMMISSIONERS**

Jesse J. Ramirez
President

Raymond E. Fosse
Vice President

Michael A. Plisky
Secretary

Jess Herrera
Harbor Commissioner

Nao Takasugi
Harbor Commissioner

PORT MANAGEMENT

William J. Buenger
Executive Director

PORT OF ENTRY

Page 2
March 30, 2005

“(d) Assure priority for coastal dependent and coastal related development over other development on the coast.”

As you are aware, a “coastal related development” means any use that is dependent upon a coastal-dependent development or use (§30101.3.) Obviously, the commercial Port of Hueneme which engages in foreign, interstate and intrastate maritime commerce is a coastal dependent development. Under the Coastal Act, therefore, use for port purposes has priority over housing.

2. **The property has long been recognized as appropriate for port use.** The Coastal Act with regard to ports, provides that each port prepare a Port Master Plan for land within this jurisdiction. In 1978, the Coastal Commission determined that the Port of Hueneme Master Plan should encompass only land owned by the Oxnard Harbor District. The District’s Master Plan does so. The Oxnard Harbor District, as a harbor district, is required to obtain the consent by resolution of the City of Port Hueneme to acquire land within the City. (Harb. & Nav. Code §6075.) In view of the limitations for master planning of land not owned by the District, the requirement to obtain City Consent and legislative policies and mandate previously mentioned, the District and the City of Port Hueneme entered into a written agreement in which the City, in part, consented to the acquisition of the property which is the subject of the current proposed amendment to the City’s Local Coastal Program and agreed to adopt a resolution consenting to its acquisition. A copy of the agreement and the judgment validating the agreement is enclosed. Consistent with this 1983 agreement, the City’s current Local Coastal Program identifies the land in Local Coastal Program Objectives – 3 as follows:

“To accommodate expansion of the Port of Hueneme in a manner which is compatible with the policies and land uses designations of the LCP...Due to existing industrial character, low utilization, and direct road and rail access to the Port of Hueneme, the Surfside Industrial area has been identified as an area that continues to be appropriate for future industrial development including accommodating harbor-related growth.”

3. **The property has been, and is, used for port-related purposes.**

The subject property is comprised of the following parcels which the City proposes to resubdivide for the Laing Homes project. The parcels are referred to as the Mullin property, the Royce property, the Hohnstein property, and the B&C Welding property.

Page 3
March 30, 2005

- (a) Mullin Family Trust property (APNs 207-0-260-185 and 207-0-260-575) has been used in the recent past for imported automobile storage and distribution; Pacific Vehicle Processors (PVP) for Mitsubishi and subsequently by P&Y Enterprises, Inc. for Daewoo autos.
- (b) Royce Roberts property (APNs 207-0-260-295 and 231-0-091-025) has historically been utilized in support of the off-shore oil industry and fishing. Romines Truck was a truck and crane company providing services to the workboats transporting supplies and materials from the Port of Hueneme to the oil platforms in the Santa Barbara Channel area. Romines also operated a fish escalator handling fish and squid in the Port. Subsequently, the property was used by Artic Pipe Company for storage and distribution of oil field pipe and related supplies. Today the property is occupied by Waggoners Trucking which transports imported luxury automobiles, primarily BMW's.
- (c) Gary & Carol Hohnstein Trust property (APN 207-0-260-335) parcel has been and is currently being utilized for small boat building, repair and storage. It is adjacent to the Hueneme Fish & Bait facility.
- (d) B&C Welding, Inc. property (APNs 207-0-260-495 and 231-0-091-045). Since about 1975 the business on this property has been involved in welding, fabricating and construction of oil field and offshore oil platform structures and the maintenance thereof. Much of this activity was/is conducted through the Port of Hueneme.

All of these parcels are currently needed to accommodate the growth in trade in Southern California and in the Port of Hueneme. Both Pacific Vehicle Processors for Mitsubishi and/or Suzuki or Global Auto Processing Services for Hyundai and/or Kia alone could easily fully utilize these properties.

In addition, the property lies within a currently zoned industrial area that is also engaged in port-related uses. Contiguous parcels are currently used to provide bait, supplies, materials and other services to the commercial fishing boats and deep sea vessels utilizing the Port of Hueneme.

4. **The Oxnard Harbor District has started proceedings to acquire the property.** By reason of its need for additional land to support existing cargo operations at the Port of Hueneme, in October 2004, the District through its Executive Director requested the City Council of the City of Port Hueneme to adopt a resolution consenting to the acquisition of the property as required by Harbors & Navigation Code section 6075 and

Page 4
March 30, 2005

as promised in the 1983 agreement. Despite repeated requests, the City has not done so stating it would “consider” such a resolution when the District was in a position to acquire the property. On October 13, 2004, the District’s legal counsel retained an appraiser to appraise the property. In January 2005, the Board of Harbor Commissioners approved a contract for the preparation of an environmental impact report pursuant to CEQA for acquisition of the property, its development for a cargo/vehicle handling and distribution facility on the land and for an amendment to its Port Master Plan following such acquisition. Under existing law, a CEQA evaluation is necessary and offers to landowners to buy their property must be made pursuant to Government Code section 7267.2 before the District can consider a resolution of necessity for acquiring the property by exercise of the power of eminent domain granted to it in the Harbors & Navigation Code. The District also filed its written objections with the City of Port Hueneme and opposed its actions to amend the LCP at its February 2, 2005 hearing.

5. **The District has a current pressing need for the property.** The potential projected growth in cargo tonnage by type at the Port of Hueneme ranges from 3.5% to 8.9% per year.

6. **Other matters.** While the District wants to acquire the property and believes the acquisition is in the best interest of the State and community it serves consistent with the policies and declarations in the Coastal Act, and while the District believes that proposed housing construction in the middle of an industrial area is poor planning, the project proposed by Laing Homes that has generated the City’s proposed amendment to its Local Coastal Program as described in the City’s Staff Report submitted with its application is also inconsistent with the policies and requirements for housing within the Coastal Zone, even if the Coastal Commission would otherwise approve the proposed amendment.

Government Code section 65590(d) specifies the affordable housing requirements within the Coastal Zone. For new housing within the Coastal Zone, these require that at least 20% of the homes be for low or moderate income families. The City’s own requirements are for a least 25%. (See, Staff Report, p.2.) The reasons for the requirements of Government Code section 65590(d) were recently stated in a concurring opinion of California Supreme Court Justice Moreno as follows:

“The coastal zone offers some of the choicest, and most expensive, land. The housing market, left to itself, might well make the coastal zone, or large portions of it, ‘the domain of a single class of citizens,’ i.e., the wealthy, contrary to the public policy of access embodied in the Coastal Act and transplanted in slightly different form into the Mello Act.”¹

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March 30, 2005

According to the City Staff Report dated February 2, 2005, submitted with its Local Coastal Program amendment, the Laing Homes project proposes to construct 64 single family and 86 multifamily units for a total of 156 units. (Staff Report, p.1.) However, the project proposes that only nine units will be conveyed to the City of Port Hueneme "for workforce rental housing". (Staff Report, p.5.)² Under Government Code section 65590(d), the number of affordable homes should be 30 and under the City's own requirements, 38. All of the proposed nine units are in the multifamily development and none are within the single family home development. The City is accepting just nine affordable units out of a total new development of 156 units on-site without any evidence of findings that show more affordable units on site is not feasible. The City is willing to accept "in lieu" fees of \$478,450.00 (Staff Report, p.2.) This small sum of money in lieu of such additional units required is clearly insufficient to construct 29 affordable units elsewhere in the City as required by its own policy. The City's proposal is defective for several reasons. First, there is no latitude in section 65590(d) for accepting the in lieu fee. Second, there is no evidence in the record and no findings based on that evidence that all of the required units cannot be accommodated on site.³ Third, there is nothing in the record evidencing any findings of any plan by the City to provide any new affordable units within a three mile distance from the Coastal Zone as required by section 65590(d) or that doing so is not feasible. Fourth, the amount of the in lieu fee is insufficient to construct those off site units even if such a fee were statutorily allowed. That fee is \$478,450.00, which means that 30 units would need to be constructed at a cost of \$17,087.50 each.

While Public Resources Code sections 30011 and 30600.1 specifically defer decisions relating to Government Code section 65590 to local agencies, those sections allow and provide for the Coastal Commission to delay approval until the local agency has taken action in conformity with the provisions of Government Code section 65590.

¹ *Coalition of Concerned Communities, Inc. v. City of Los Angeles* (2204) 34 Cal.4th 733, 741.

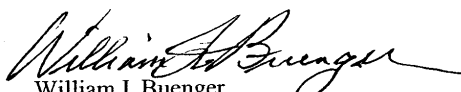
² The term "work force" is not defined to limit its application to low or moderate income persons.

³ It is obvious that they could be constructed on site but at a loss of profit to the developer Laing Homes. The current medium sales price for homes in Ventura County is in excess of \$500,000.00. Multiply this by the 28 homes it is not required to build for low or moderate cost housing and the gain to Laing Homes is clear.

Page 6
March 30, 2005

For all of the reasons set forth in this letter, the Oxnard Harbor District requests that the Coastal Commission deny the proposed amendment to the City of Port Hueneme's Local Coastal Program. Consistent with the policies and goals of the Coastal Act, the existing Local Coastal Program and the City's agreement with the Oxnard Harbor District, the land is better devoted to coastal-related uses consistent with the industrial character of the surrounding area and is inappropriate for housing. The District is taking the steps necessary to acquire the property for just such a purpose. Considering the anticipated growth in trade in Southern California and at the Port of Hueneme, acquisition of the property by the District and putting it to port-related uses will be in the best interest of the State and the wider community served by the Port of Hueneme.

Respectfully submitted,


William J. Buenger
Executive Director

WJB:bls

Enclosures

1 BURKE, WILLIAMS & SORENSON (JRF)
Attorneys at Law
2 707 Wilshire Boulevard, Suite 3300
Los Angeles, CA 90017
3 Telephone (213) 485-0101

4 Attorneys for the Petitioner
CITY OF PORT HUENEME
5
6
7

FILED

AUG 22 1983

RICHARD D. DEAN, County Clerk

By _____
Deputy County Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF VENTURA
10

11 THE CITY OF PORT HUENEME, a)	CASE NO. 79710
12 general law city,)	
)	
13 Petitioner/ Plaintiff,)	JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE
)	
14 vs.)	
)	
15 JOHN R. VELTHOEN, and ALL)	Date: August 11, 1983
16 PERSONS INTERESTED IN THE)	Time: 9:00 A.M.
17 MATTER OF THE PROPOSED AGREE- MENT BETWEEN THE CITY OF PORT HUENEME AND THE OXNARD HARBOR DISTRICT,)	Ct. Room: 21
)	
18 Respondents/ Defendants)	
)	
19)	
20 OXNARD HARBOR DISTRICT, a)	
21 harbor district,)	
)	
22 Real Party in Interest.)	
)	

23
24 The above matter came on regularly for hearing in
25 Department 21 of the above-entitled Court, on August 11, 1983,
26 Honorable William L. Peck, Judge Presiding; J. Robert Flandrick
27 of Burke, Williams & Sorensen appeared as the attorney of record
28 for Petitioner/Plaintiff; James Rupp appeared as the attorney of

1 record of Respondent/Defendant John R. Velthoen; Anson Whitfield
2 appeared as the attorney of record for Real Party in Interest,
3 Oxnard Harbor District; and the Court having heard testimony and
4 examined the proofs offered by the parties, arguments having been
5 presented and the matter submitted for decision; and the Court
6 having found that adequate consideration existed to support the
* 7 Agreement, hereinafter described, by virtue of the City having given
8 its consent, pursuant to Section 6075 of the Harbors and Navigation
9 Code to the acquisition by District of certain real property as
10 described in the Agreement, thus no further inquiry into the ade-
11 quacy of consideration was warranted, and GOOD CAUSE APPEARING,

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

13 1. That a Peremptory Writ of Mandate shall issue under
14 the seal of this Court, commanding Respondent John R. Velthoen to
15 forthwith execute, on behalf of the Petitioner, City of Port Hueneme
16 that certain Agreement between Petitioner and the Real Party in
17 Interest, Oxnard Harbor District, a copy of the same being a part
18 of Exhibit "A" to the Petition/Complaint on file herein (hereafter
19 "Agreement"); and
20
21

22 2. That pursuant to Section 864 of the Code of Civil
23 Procedure, the said Agreement is valid, and has been in full force
24 and effect since March 14, 1983; and
25

26 3. That pursuant to Section 870 of said Code of Civil
27 //
28 //

1 Procedure, all persons are hereby permanently enjoined from insti-
2 tuting any action or proceeding in which it is contended that
3 the said Agreement is invalid, ^{WLP} ~~in whole or in part.~~

4 AUG 17 1983

5 DATED: _____, 1983.

6
7 WILLIAM L. PECK

8 JUDGE OF THE SUPERIOR COURT
9
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1983

AGREEMENT

THIS AGREEMENT is by and between the City of Port Hueneme, a general law city (hereinafter "City") and the Oxnard Harbor District, a harbor district (hereinafter "District").

W I T N E S S E T H:

The parties hereto do agree as follows:

(1) Recitals. This Agreement is made and entered into with the respect to the following facts:

(a) That City is a general law city, within the meaning of Section 34101 of the Government Code of the State of California, organized and existing pursuant to the laws of the State of California; and

(b) That District is a harbor district, organized and existing under and by virtue of Section 6000 et seq. of the Harbors and Navigation Code of the State of California, and other applicable laws; and

(c) That portions of areas included within the District, lie within the City; and each of the parties hereto exercise their respective governmental powers within their respective boundaries; and

(d) That each of the said parties has determined that the provisions hereof are necessary in order to provide for the orderly growth, development and use of properties and activities, located within their common boundaries; and

(e) That activities carried on, pursuant to law, by District have an impact upon the City and its residents in terms of performance of City services and construction and maintenance of City facilities; and

EXHIBIT D

(f) That such impact results in City expenditures in excess of that which would be required of City absent such District activities; and

(g) That District, by the nature of its activities, generates a high amount of truck traffic and such truck activity greatly accelerates the deterioration of City streets; and

(h) That extra police services are desired by District because of the District's facilities and activities within the City; and

(i) That the Board of Harbor Commissioners has determined that it is of benefit to the District and in its best interest to have the City provide, within District property, police services above that provided for in other areas of the City and to keep the City streets referred to herein in good condition and repair because they provide the only access to the Port of Hueneme; and

(j) That this Agreement is made and entered into pursuant to applicable law, including, but not limited to, Section 54980 et seq. of the Government Code of the State of California; and

(k) That the parties hereto, by and through their respective legislative bodies, have determined that the public interest, convenience, and necessity require the execution of this Agreement in order to permit the said parties to implement governmental functions exercised by them independently.

(2) Term. This Agreement shall be for a term of twenty-five (25) years commencing on the effective date hereof.

(3) Extension of Term. The term of the Agreement shall be extended for an additional twenty-five (25) years unless prior to the expiration of the original term, the City, in accordance with the procedure set forth in this paragraph, determines that the term of the Agreement shall not be extended. Within twelve months prior to the expiration of the original term, the City

Council shall conduct a public hearing jointly with the Board of Harbor Commissioners to determine whether the impact of District activities continues to result in the City expenditure of funds for services and facilities. Following the hearing, if the City reasonably determines by not less than a majority of the total membership of the City Council that the impact of the District's activities continues to result in the City expending funds in response to District activities, this Agreement shall be extended for an additional twenty-five (25) years. In the absence of fraud or gross abuse of discretion, the determination of the City Council shall be final and conclusive.

(4) Notices. Notices given pursuant to this Agreement shall be written, and shall be served upon the party to be notified by personal service, or by deposit of the same in the custody of the United States Postal Service, or its successor, postage prepaid, addressed to the parties as follows:

(a) City: City Manager
City of Port Hueneme
250 North Ventura Road
Port Hueneme, California 93041

(b) District: General Manager
Oxnard Harbor District
Post Office Box 608
Port Hueneme, California 93041

Notices shall be deemed, for all purposes, to have been given as of the date of personal service, or two days following the deposit of same in the custody of the said United States Postal Service.

(5) Obligations of City. City shall be obligated, during the term or extended term of this Agreement as follows:

(a) That City shall cause Ponoma Street between Pleasant Valley Road and Clara Street to be reconstructed in the manner described in

Exhibit "A", attached hereto and incorporated herein by this reference, within twenty-four (24) months after the delivery to the City by the District, without any cost to the City, title to the additional twenty-four (24) feet of right-of-way necessary, as set forth in Exhibit "A"; and

(b) That City, as to Ponoma Street between Pleasant Valley Road and Port Hueneme Road, Pleasant Valley Road between Ventura Road and Ponoma Street, and Port Hueneme Road from Ventura Road westerly to Surfside Drive, all of which receive a high degree of truck traffic, shall maintain, repair, and resurface said portions of streets so as to permit their free and full utilization to service District's facilities; and

(c) That City shall provide and maintain such additional police patrol and investigation services in and about that property owned by the District, situated within the boundaries of the City as the Chief of Police determines is reasonably necessary and proper. That if the District is dissatisfied with the level of additional Police services provided hereunder pursuant to direction of the Chief of Police, it may request, in writing, that the City Council of City review the level of services being provided pursuant to the Chief's order, and based upon the need for such services, the City Council may direct that a higher level of service be provided if it determines that such is reasonably necessary, and the decision of the City Council shall be final provided the City Council acts in good faith; and

(d) That City, by resolution, shall consent to the acquisition or lease by District of the Real Property described in Exhibit "B", attached hereto and incorporated herein by this reference.

(e) That City shall report to District in writing on or before September 1 of each year describing the services performed by City under Paragraphs (a), (b), and (c) herein during the preceding fiscal year.

(6) Compensation. On or before the 10th day of each month during the term of this Agreement, the District agrees to compensate the City, for its services and for the performance of its obligations as hereinabove described by payment to the City an amount calculated as follows:

The District's Gross Operating Revenues, as set forth in the District's most recently approved audit, shall be multiplied by .002778. Such audit shall be completed in accordance with generally accepted accounting principles and approved by the District on or before September 30th of each year. For example, if on September 15, the District approves its audit for the preceding fiscal year (July 1 to June 30), the adjusted monthly payment shall commence as of October 10th. For the purposes of clarification, the Gross Operating Revenues of the District for the fiscal year ended June 30, 1982, were \$2,992,537 and were set forth in the audit in the "Comparative Statement of Revenue and Expense for the Fiscal Years Ended June 3, 1981 and June 30, 1982" as "Total Operating Revenues". However, Gross Operating Revenues shall not include revenues generated by the District's levy of an ad valorem property tax.

(7) Severability Clause. That this Agreement has been entered into by the parties hereto with the clear and concise understanding that no portion of this Agreement is severable. Should any Court of competent jurisdiction declare any portion of this Agreement void or unenforceable, then the entire Agreement shall fail and terminate and be of no further force and effect.

(8) Entire Agreement Clause. This document constitutes the entire, complete and exclusive Agreement between the parties hereto and the parties

expressly acknowledge that there is no other oral or written understanding or interpretation relating hereto.

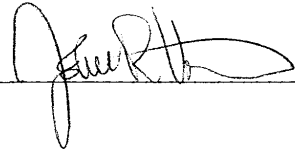
(9) Compliance With Law. That all activities of the parties hereto shall be undertaken and in compliance with all applicable law.

(10) Attorneys Fees. That should either party hereto reasonably be required to file an action to compel the performance of the other party to this Agreement, the prevailing party in such litigation shall be entitled to reasonable attorneys fees as determined by the Court.

(11) Effective Date. This Agreement shall be effective as of the date of its execution by the parties hereto as evidenced by the insertion of dates immediately adjacent to the signatures of the authorized representatives of the parties hereto. Said effective date shall be determined by using the latest of the dates herein referred.

CITY OF PORT HUENEME

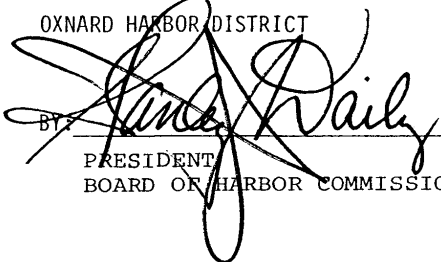
DATED: October 20, 1983

BY: 


ATTEST:


CITY CLERK

DATED: March 14, 1983

OXNARD HARBOR DISTRICT
BY: 
PRESIDENT
BOARD OF HARBOR COMMISSIONERS

ATTEST:


SECRETARY
BOARD OF HARBOR COMMISSIONERS

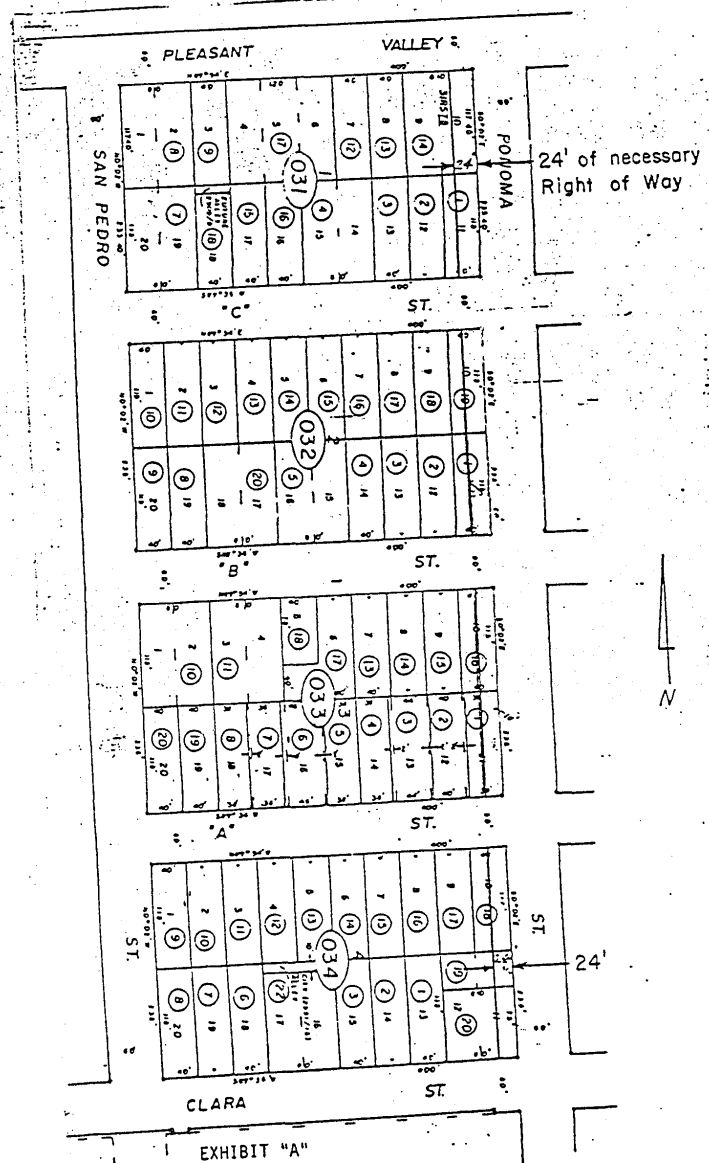
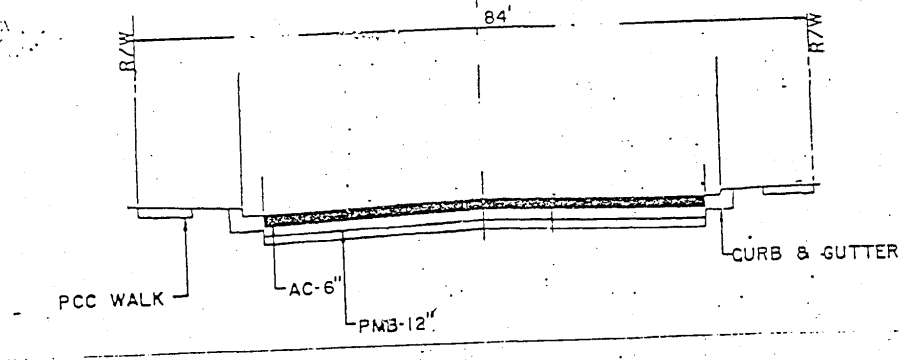
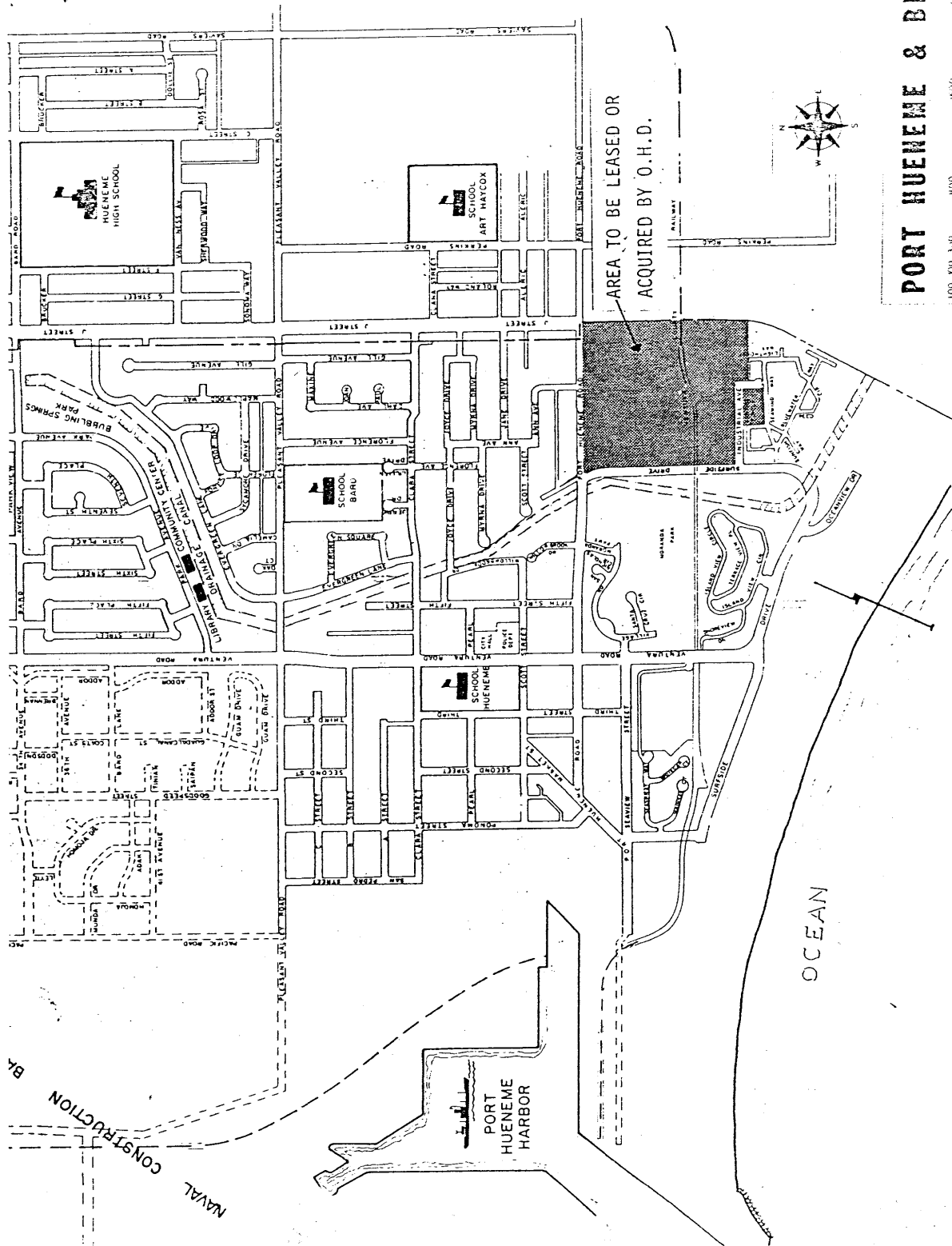


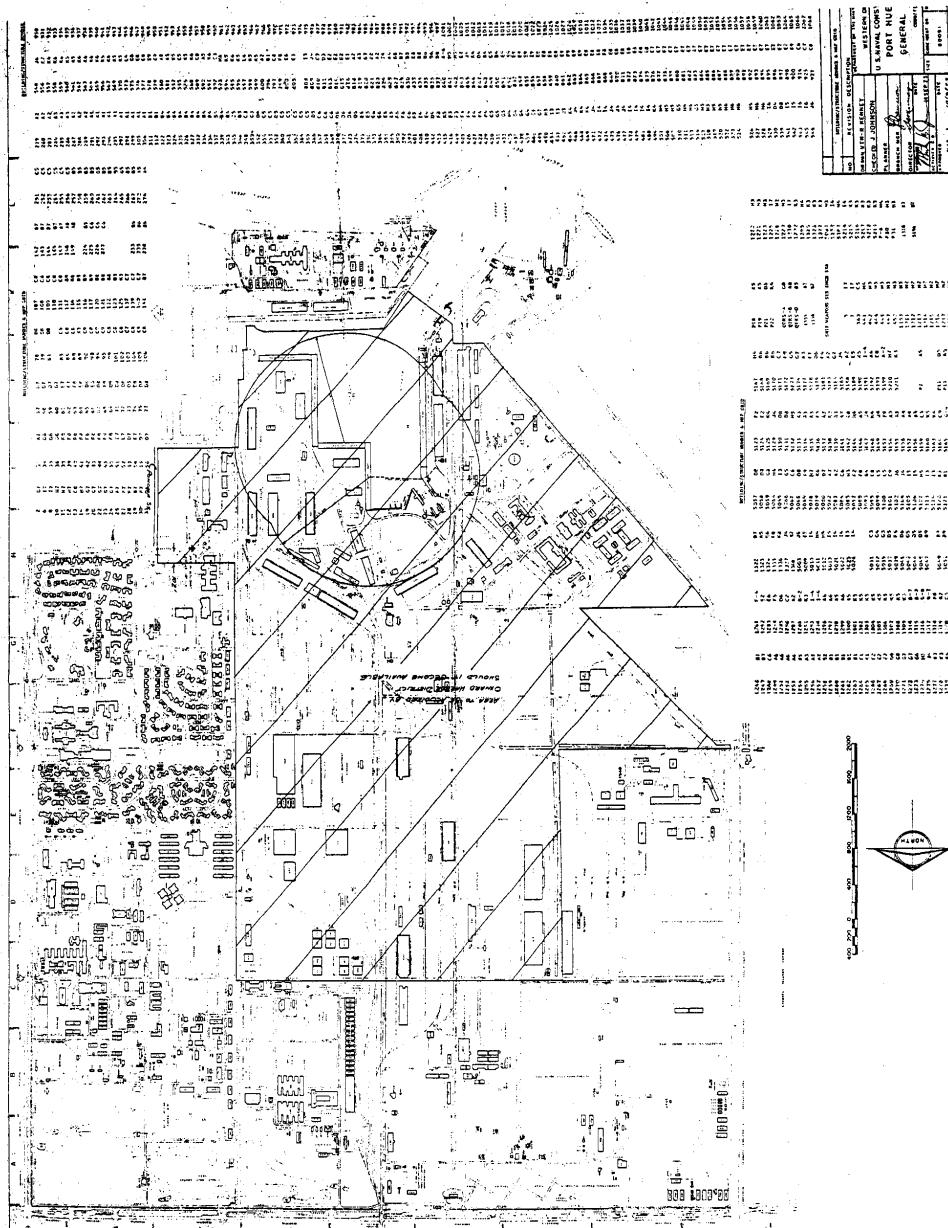
EXHIBIT "B"

As stated in Paragraph 5(d) of the Agreement, the City will consent to the District's acquisition or lease of certain properties within the City. Those properties are shown on the two maps that are attached and are a part of this Exhibit.

In addition to those properties shown on the maps, the City will consent to the District's acquisition or lease of an as yet undetermined portion or whole of that parcel identified as Assessor's Parcel No. 206-0-100-290 on Ventura County Assessor's Map dated August 19, 1969 subject to the City's zoning. The determination of what portion may be acquired or leased by the District shall be made by the City, in its sole judgment, only after the commercial development of the parcel has been assured to the City's satisfaction or the City Council may consent to such acquisition or lease prior to being assured of such development.

However, if the City should own or acquire any interest in any property set forth in this Exhibit, the decision to sell such property and the sales price and terms shall be solely within the discretion of the City Council.





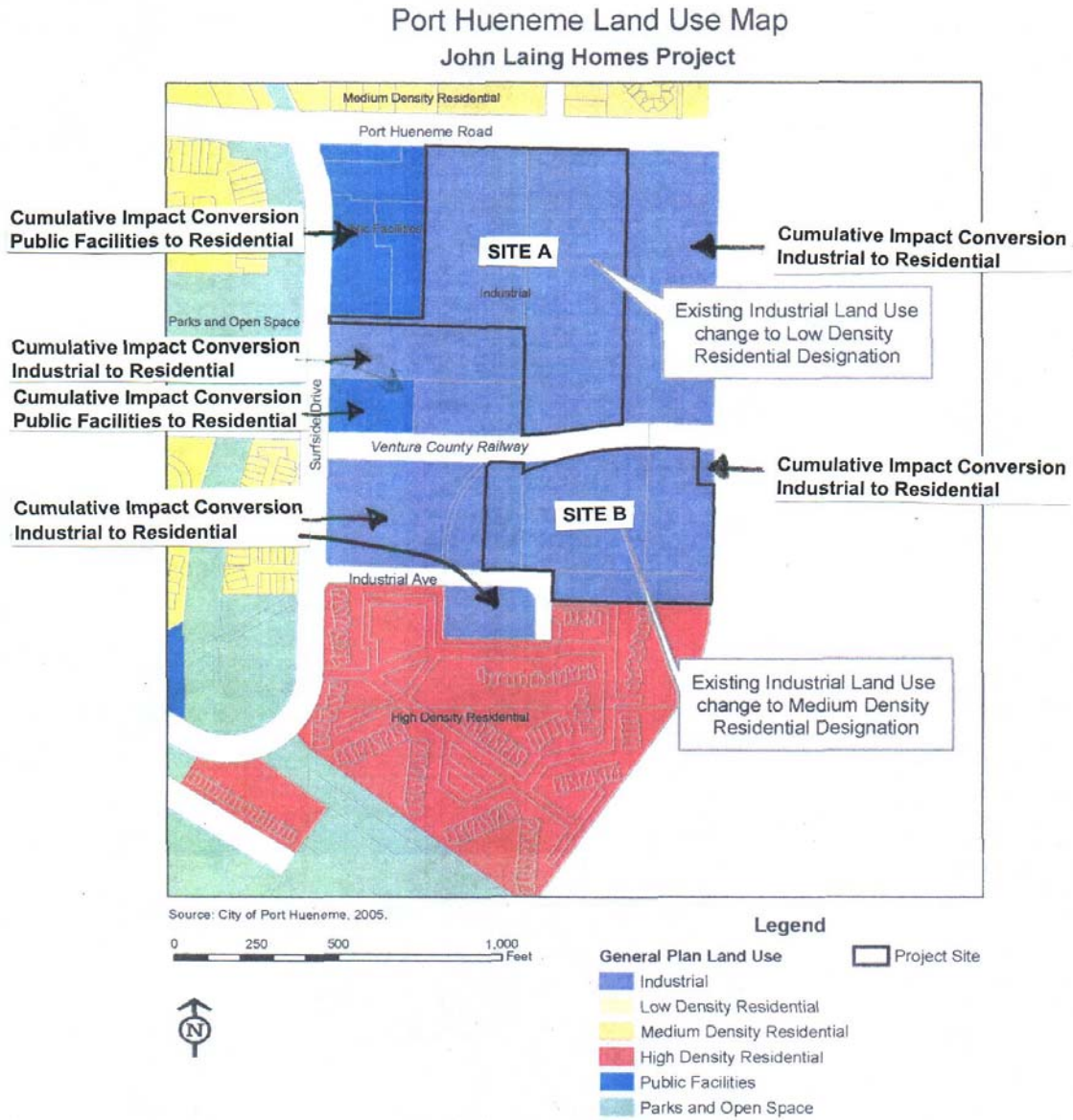





Exhibit 12
LCPA 1-06
Land Use Map of Surfside Industrial Area Identifying Proposed Residential Parcels and Potential Cumulative Impact Parcels for Potential Future Conversion to Residential



Exhibit 13
LCPA 1-06
Detailed Aerial Photograph of Surfside Industrial Area Identifying Proposed Site A

Zoning Legend

-  Existing M-1 (PD)
-  Proposed R-1 (PD)
-  Existing R-2

1 inch equals 200 feet






Map Prepared by:



Exhibit 14
LCPA 1-06
Detailed Aerial Photograph of Surfside Industrial Area Identifying Proposed Site B

Zoning Legend

-  Existing M-1 (PD)
-  Proposed R-2 (PD)
-  Existing R-3

1 inch equals 200 feet



RECEIVED

MAR 03 2005

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Received at Commission
Meeting

FEB - 8 2006

From: _____

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Name of person(s) initiating communication:

Port Hueneme Subdivision

Date and time of receipt of communication:

1/25/06 - 12 PM.

Location of communication:

Santa Rosa CA

Type of communication (letter, facsimile, etc.):

Meeting

Person(s) initiating communication:

Dave Neish / Bill Patuzzi

Person(s) receiving communication:

Mike Reilly

Detailed substantive description of content of communication:

(Attach a copy of the complete text of any written material received.)

Applicant wants to build residential subdivision w/
city and community support. Harbor Dist. initiated
 eminent domain process on property for additional
 auto storage. long history of conflict between city
 and Harbor District. Staff siding with Harbor Dist -
 residential not a primary use. Applicant wants project
 approval to establish market value of property.

Date

2/6/06

Signature of Commissioner

Mike Reilly

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of the communication.

Exhibit 15
LCPA 1-06

Ex Parte Communication, Commissioner Mike Reilly

